**¡Ni una más!**

Not one more!

Representations of femicide in post-conflict Guatemala

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**Julie Holt Pedersen**

**Aalborg University**

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**Supervisor: Birte Siim**

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# Abstract

Guatemala is currently ranked third in the world when it comes to the estimated numbers of femicides, or the murder of women because they are women. Moreover, very little prior research has focused on the qualitative aspects of femicide in Guatemala. Therefore, this paper analyses contemporary representations of femicide in Guatemala on three levels of society: the government´s at the time of the passing of the Law Against Femicide and Other Forms of Violence Against Women in 2008 (LAF), the Guatemalan mainstream media representations of femicide and the representations by a range of civil society actors. The primary data for this thesis consists of the LAF from 2008, 6 newspaper articles from 3 mainstream newspapers. The bulk of the data for this paper includes 12 interviews mainly with women´s organisations who deal with femicide in Guatemala. In the analysis I use the theory/method by Carol Bacchi, the so-called “What´s the Problem Represented to Be?” approach (WPR) that seeks to identify and understand the underlying assumptions behind the problem representations of femicide in Guatemala as well as to come up with new ways of contesting harmful, dominant problem representations.

The main findings of this paper are as follows: First, according to women´s rights organizations, the LAF is considered a step forward for women´s rights in the country. However, it is insufficient in lowering the high rates of femicides. Moreover, the mainstream media tends to revictimise femicide victims and to be sensationalist in nature. These can be considered harmful representations of femicide. Furthermore, the contestation by women´s rights organisations provides important tools in the discursive struggle against the widespread phenomenon. These organisations work in different ways to support femicide survivors, to create awareness programs and are in many other ways seeking to lower the numbers of femicides. Lastly, these efforts are crucial in changing damaging gender stereotypes of machismo and marianismo and in offering alternatives to traditional perceptions of both men and women´s roles in contemporary Guatemalan society.

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# Abbreviations

ADEMI: Asociación de Mujeres Ixpiyakok

CEDAW: Convention on the Elimination of All Forms of Discrimination against Women

CONAMGUA: Consejo Nacional de Mujeres de Guatemala

DEMI: Defonsoría de la Mujer Indígena

GAM: Grupo de Apoyo Mutuo

GBV: Gender based violence

GGM: Grupo Guatemalteco de Mujeres

INE: Instituto Nacional de Estadísticas

LAF: Law Against Femicide and Other Forms of Violence against Women

MSPAS: Unidad de Pueblos Indígenas e Interculturalidad

NGO: Non-Governmental Organisation

SEPREM: Presidential Secretariat for Women

VAW: Violence against Women

WPR: What´s the Problem Represented to be?

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# Introduction

*“When men kill women, (…) they are doing so in the context of a society in which men’s violence against women is entrenched and systemic. When misogyny, sexism and the objectification of women are so pervasive that they are all but inescapable, can a man killing a women ever not be a sexist act?”* Andrea Ingala-Smith, 2015

For centuries and in most cultures, violence against women in its many forms has gone practically unnoticed (Fregoso, Bejarano, 2010). The often tabooed phenomenon occurs in both the so-called developed and developing countries and regardless of the dominant religion or political ideology (Wilson, 2014). Violence against women (VAW) in most parts of the world is not something that is discussed openly. However, thanks to the efforts of both academics and activists, a subject that was once shrouded in silence has during the later years become a subject of political concern and action, at least in some parts of the world (Waylen et al, 2013).

According to femicide expert Diana Russell, the most serious manifestation of gender violence or VAW is called femicide, or the killing of women because they are women (Fregoso, Bejarano, 2010). Femicide, as argued by some feminists is as old as patriarchy itself and is used nowadays as social control or punishment of women by men in a variety of manners (Radford, Russell, 1992). Femicide occurs everywhere and on every level of society (Appendix H). No group of women is exempt from this danger (Ibid). Some of the disturbing facts regarding VAW were not uncovered until the 1970s and worldwide, the issue to this day remains difficult to document with any certainty, much less so the extent of this violence (Radford, Russell, 1992).

However, as mentioned before, a global awareness regarding VAW is slowly starting to disseminate when more and more cases of VAW are shown in the media and thus becoming known to the public. This growing consciousness of the global problem of VAW has led to at least two United Nations resolutions seeking to prevent it. The UN Declaration on the Elimination of Violence against Women was passed by the General Assembly in 1993 (Wilson, 2014). Earlier, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), adopted by the General Assembly in 1979, defined GBV as a form of discrimination leading to inequality (Ibid).

The term VAW also includes the aforementioned fatal crimes against women called femicides, which had their starting point in the early 90s in and around Ciudad Juárez, Chihuahua, Mexico (Fregoso, Bejarano, 2010). It was in the context of the murders of mostly young women in Northern Mexico, that the term ‘femicide’ was first used more widely to describe gender based killings, outside of feminist circles (UN Women, 2013). Much media attention has been paid to these cases and have they have become the subject of a number of academic articles relating its occurrence to women’s subordination (Wilson, 2014). The awareness of this problem has since then transcended Mexican borders and the inefficiency and the inability of the Mexican state to carry out adequate criminal investigations have been manifested (Fregoso, Bejarano, 2010). Thus, the problem of femicide and the global awareness of this problem have started to become more visible on an international scale, which has caused a range of governments to address this issue to varying extents and with varying success.

Femicide, or the murder of women and girls because of their gender, is a serious problem in many parts of the world today as it is situated on the extreme end of a continuum of the worldwide, sexist terrorization of women and girls including a wide variety of verbal and physical abuse (Russell, Harmes, 2001, Radford, Russell, 1992). Consequently, femicide is considered the most extreme manifestation of violence against women and can also be described as “a continuation of sexual assault; in identifying femicide one must take into account the violent acts, the motives, and the imbalance of power between the sexes in the political, social, and economic spheres” (Monárrez, Fragoso, 2003, Fregoso, Bejarano, 2010).

Although, as before mentioned, the numbers on VAW are difficult to establish with complete certainty, according to the United Nations Human Rights Office of the High Commission, globally 65,000 women and girls are murdered every year, accounting for almost one fifth of all homicides (OHCHR, 2014). In addition “*There is a growing body of evidence from research that suggests that violence against women is highly prevalent, with an estimated one in three women globally experiencing some form of victimization in childhood, adolescence, or adulthood*” (UNICEF, 2000). In some countries this number is significantly higher as these incidences of violence against women and girls are often underreported because police and health service personnel have not been trained to keep adequate records of VAW and because of the victims´ “*shame, fear of reprisal, lack of confidence in the legal system, and legal cost*” (Ibid).

Especially when it comes to the Latin American region, the numbers of femicides are alarmingly high, particularly in Mexico and Central America (Shulman, 2010). In 2015, Guatemala is the country with the highest number of femicides in the Latin American region and 3rd in the world (Albaladejo, 2015). Furthermore, Amnesty International recently declared in their 2014/15 Human Rights Report that violence against women and girls remains a grave concern in the country along with the hugely inefficient response from the state. Local human rights organisations have reported over 500 killings of women during the year 2014 and thousands more have been battered and/or raped (Amnesty International, 2015, Musalo, Bookey, 2013). Hence, in many contexts, women in Latin America face an uphill battle to maintain even their most basic human rights (Boscan, 2013). This fact is magnified many times for indigenous women in the region (Ibid). Moreover, as the newest data from the country shows, from January 2015 to September 2015, 518 women were murdered in Guatemala (Appendix C). In Guatemala City alone there have been 2500 murders of women since 2001 and over the past decade more than 600 murder cases have been classified as femicides every year (Mujer Guatemala, 2015, Bowen, 2009). Furthermore, 98% of these killings receive no legal attention (Shulman, 2010). Some even call these femicides in Guatemala a pandemic (Segovia, 2015).

The number of murders is even higher when it comes to women of indigenous descent. These women experience discrimination differently and in many cases stronger than ladina (non-indigenous or mestiza) women and girls, due to a number of factors that will also be elaborated in the analysis. The indigenous population makes up between 40 and 60 % of the Guatemalan population (Tejido, Schramm, 2010). The majority of these people live in poverty and are highly marginalised in different ways in today´s society. Particularly, women from indigenous communities are often targeted for rape and other forms of sexual violence, torture and murders, specifically because of their indigenous identity (Bevan, 2011) Furthermore, indigenous women face significant challenges to the full enjoyment of their human rights, discrimination, and lack of access to ancestral lands etc. Often, indigenous women are the most marginalised sector of the societies in which they live and they often face triple discrimination because they are women, indigenous and poor (Goodman, 2009; UNPFII, 2010). As stated before, these women are marginalized in a number of ways. In addition often when femicides are committed within indigenous communities they are not reported to the police, which I will elaborate on in the analysis (Appendix G). Therefore, I wish to address the policy in place to counter specifically the issue of femicide in Guatemala. I wish to analyse the effects of the representation of this extreme violence perpetrated upon indigenous women and girls in the Central American country of Guatemala; supposedly the most dangerous place to be a woman in all of Latin America (Schulman, 2010).

In order to tackle the growing problem of femicide in Guatemala, surprisingly, a law aimed at tackling this violence was passed in 2008 due to increased international and domestic pressures to address the alarming rates of VAW in the country. This law is called the Law against Femicide and Other Types of VAW (I choose to name it LAF). This was created also in order to comply with the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) and the Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra la Mujer, also known simply as Belem Do Pará (COHA, 2010, LAF, 2008). Thus, Guatemala became the third country in Latin America to pass a law against femicide following Mexico and Costa Rica in 2007 (Laporta, 2013). It is the representations on the following 3 levels I wish to analyse in this paper: the representations by the Guatemalan government through the LAF, the mainstream media through newspaper articles and especially women´s rights organisations in order to start looking for ways to disrupt the harmful representations of femicide and thereby hopefully coming up with ideas of how to lower the number of femicides in the country. The details behind retrieving these data sources will be elaborated on in the methodology section.

# Problem formulation

In this section, I seek to explain my problem formulation in depth in order for the reader to understand the scope of this thesis and what the objectives are with this type of analysis.

Based on the aspects mentioned in the introduction regarding the 3 levels of representation of femicide I wish to analyse in Guatemala, I have come to the following problem formulation:

**What are the government´s at the time of the passing of the LAF´s, the mainstream written media (3 main newspapers) and the main women´s rights organisations´ representations of femicide in Guatemala after the end of the internal armed conflict in 1996?**

**What assumptions or presuppositions underlie the 3 above mentioned representations of femicide?**

**And most importantly how the damaging aspects of these representations could be questioned/replaced by Guatemalan 12 actors who work with femicide?**

First, in order to answer these complex questions, the research in this thesis is going to be conducted through framing analysis, mainly focusing on the approach offered by Australian policy scholar, Carol Bacchi (What is the Problem Represented to be?). I do not only wish to conduct a traditional policy analysis, but also to focus on how the media represents the issue of femicide and most significantly how women´s rights organisations seek to disrupt the harmful representations of the issue and replace them with new ideals. The empirical data in this thesis consists of various interviews with different (indigenous) women´s organizations dedicated to working against VAW in order to understand the wide-ranging aspects of how this problematique came about in Guatemala, what the assumptions behind these representations are, what the silences regarding the issue are, how this issue is represented in the media and last but definitely not least, in order to discuss ways of contesting the dominant, in some cases harmful representations of femicide. My aim is to go beyond the statistical research on femicide and analyse qualitatively the representations of femicide on 3 important levels of Guatemalan society. Thus, I will present the WPR theory/method more in depth and discuss how it is applied in the methodology section of this paper.

## Literature review

As mentioned briefly, a lot of the existing literature on femicide in Guatemala is based predominantly on statistics (Appendix H). A large part of it also refers mainly to the gang culture as the main reason for the high rate of femicides, whereas approximately 50% of the femicides come from domestic cases (Ibid). I wish to address the workings behind these numbers since much of the current research on femicide in Central America is not very focused on the underlying, structural causes for the high number of femicides. Therefore, this paper differs from current research as it looks at the assumptions behind the problematisations of femicide and seeks to deconstruct these dominant representations and replace them with new ones.

## Reasons behind writing about gender and race

I have chosen to write about this topic because of my strong interest in gender equality and racial equality. I view both gender and race as social constructs, which are given meaning through the dominant discourses. Being a woman and of indigenous descent undeniably creates more difficulties in a society that has patriarchal and racist tendencies. Therefore, I wish to draw attention to the activities and voices of those who have limited opportunities to express their point of view. Furthermore, I see human rights, and in this I include women´s rights, as an integral part of development which is another reason why I focus on the social realm.

Beyond the social realm, gender equality has many implications, for example when it comes to economic aspects and the development of society as a whole. According to the World Bank “*Gender inequality is bad economics. It deprives national economies of women’s talents. It reduces the productive potential of labor forces. It constrains consumption, diminishes tax yields and curtails the national and personal benefits of investment in female education by forcing women into professions and occupations that make less than full use of their skills and capabilities*” (Canuto, 2013). This is also true in Guatemala. Thus, it has been observed that VAW stands in the way of the Guatemalan society’s economic development (Tejido, Schramm 2010). This is yet another reason why research into the workings behind gender inequality, of which VAW is one aspect, is needed.

# Methodology

In this section, I am going to discuss the methodology applied in this paper and the reasons behind these methodological choices. First, a discussion on epistemological and ontological considerations follows. Then, I explain some important terms that are necessary to understand in this paper as well as my case selection. Thereafter, I will provide some in-depth insights into my data collection, present the organisations I have interviewed and explain how this data is applied in the analysis section that will follow where I also discuss my methodological choices. Lastly, the limitations of this project will be touched upon.

## Epistemological and ontological considerations

This thesis departs from interpretivist and relativist considerations in which it is assumed that reality is constructed intersubjectively through meanings and understandings that have been developed socially (Cohen, Crabtree, 2006). The interpretivist paradigm has developed as a critique of positivism in the social sciences and within the paradigm, most often qualitative methods are utilised (Ibid). In this paper, these qualitative considerations are aimed to understand the deep social processes of Guatemala in more depth than could be found in a more quantitative way. Furthermore, much quantitative analysis of the social workings behind VAW in Guatemala has already been conducted, so it is possible that there is a need for new perspectives. Interpretivist and relativist perspectives allow for great, insightful considerations of the complex contextual factors that surround the issue of femicide in Guatemala. It further allows for a deep analysis and interpretation of motives and values of the social actors involved in addressing the problem. According to the interpretivist point of view, social phenomena are socially constructed, which means these can also be deconstructed. The WPR-approach fits very well within this paradigm. As this paper is limited to Guatemala it should be noted that the conclusions of this paper are not necessarily completely applicable elsewhere, but that similar situations are likely to be found around Latin America, for example in Guatemala´s neighbouring countries, that also struggle with high femicide numbers.

## Use of concepts related to femicide

In order to understand in depth the issue of femicide in Guatemala, some key concepts need to be explained briefly here.

The concepts of femicide and feminicide differ slightly. Although there has been much controversy surrounding the use of these terms, author Victoria Sanford (2008) has provided an apt definition of these interrelated concepts.

In order to define feminicide, we have to define femicide first. In brief, femicide is the killing of women by men, because they are women (Sanford, 2008). The word builds on the word genocide, which denotes the killing of a certain group due to their genetic affiliation (Caissie, 2010). Often, this is a form of terrorism used to suppress a certain group of people (Ibid) the goal is the final extermination of the particular group and also to dominate through oppression (Sanford, 2008). Feminicide adds this important component, making feminicide a political term which addresses the severe impunity and silence created by the government to the male component of killing women allowing and even in some cases encouraging femicides to continue without any real repercussions (Ibid). Thus, the term feminicide channels responsibility for femicide from male perpetrators towards political and legal structures that normalise misogynist behaviours (and back). In this respect, failing to safeguard female safety and the toleration or neglect of female killings is seen as equally significant reasons for femicide (Sanford, 2008). Thus, feminicide encompasses more than femicide since it holds responsible not only the male perpetrator, but also the state and the judicial structures that continue to reinforce misogyny (GHRC, 2013). However, today there is much polemic in Guatemala regarding the use of these two interrelated terms (Appendix H). However, in this thesis I will utilise the terms interchangeably.

Furthermore, the terms indigenous and ladina (women) will be utilised to some extent. By indigenous women, I mean women of indigenous (mostly Mayan) descent. Ladina women are women who are mestizas (mixed race) or of Spanish descent. However, it is important to note that there has been a process occurring in Guatemala known as “ladinoization” wherein indigenous individuals “change” from indigenous status to ladino. Thus, it can be difficult to identify groups of women as either, especially in urban areas (Appendix K).

When it comes to the internal armed conflict in Guatemala from 1960-1996, I call it both civil war and internal armed conflict with no distinction. Hence, these terms are used interchangeably.

Lastly, the terms Gender Based Violence (GBV) and Violence against Women (VAW) will be utilised interchangeably, despite their slightly differing connotations.

## Case selection

“*Gender violence occurs throughout the world, but it takes quite different forms in different social contexts*” (Merry, 2009). It is therefore important, if not crucial, to analyse the social structures that give rise to this problem of femicide that worldwide has become the clearest and most extreme expressions of VAW. This is urgent. Two women a day on average are killed, only in Guatemala. Nevertheless, this issue has been somewhat neglected by feminists, generating a failure to tackle this phenomenon (Radford, 2001) from an academic perspective. Evidently femicide is a huge problem in many countries in the world and in the Central American region and Guatemala especially. This is particularly the case for women from more marginalized elements of society, such as indigenous women. The violence against these women is mainly based on gender, class and race.

In the later years, there has been much research conducted on femicide in other parts of Latin America, for example in Northern Mexico. But the current research on the issue in Central America is insufficient and based predominantly on statistics, according to VAW-expert Lily Muñoz (Appendix H). Therefore, I see a clear need for further research into the subject to provide further understanding of the complex reasons why femicide takes place and the policy in place to tackle the problem more effectively. Clearly, femicide can be analysed from various perspectives, both from a legal and political perspective, but also from a sociological angle (Fregoso, Bejarano, 2010). With the sociological angle, I refer broadly to the study of social behaviour and society, including its origins, development, organization, networks, and institutions. In the present paper, aspects from all three perspectives will be considered in order to give the fullest possible portrayal of the problematique and of ways to counter it.

Furthermore, Guatemala has been chosen as the case for this paper, as it has one of the highest levels of femicide in Latin America. Women and particularly indigenous women suffer from this today and they have also suffered disproportionately historically, especially throughout the colonial era and the internal armed conflict (1960-1996). I find dealing with marginalised groups in society an important task for researchers in order to create awareness of these people´s struggles. Moreover, remarkably little scholarship has focused on the developments surrounding the 2008 Law on Femicide in a critical perspective in post-conflict, neoliberal Guatemala. This is especially true when it comes to its effects on indigenous women (Appendix E). I find the discourses surrounding the issue of femicide important to analyse in order to combat the problem in depth. For these reasons, with this thesis, I wish to raise awareness about this grave issue that continues to affect the daily lives of mainly rural, indigenous Guatemalan women.

My overall theoretical framework is gender and feminism using as a point of departure the definition of feminism by professors Ackerly and True: “feminism is the search to render visible and to explain patterns of injustice in organisations, behaviour, and normative values that systematically manifest themselves in gender differentiated ways” (Ackerly, True 2010).

Regarding my choice of theory, I thought it appropriate to focus on a key author, Carol Bacchi, to provide a clear understanding of the theoretical framework. When it came to defining the key concepts and theories this proved very useful in clarifying my interpretation and how they would be used in the analysis.

The reasons for choosing the WPR-approach are that I regard it as a thorough and straightforward discourse analysis. Moreover, this approach was chosen since it allows for an exploration of the ways different actors argue their case and because it can be seen as *“a way of depicting and engaging the array of arguments and counter arguments that surround complex social issues”* (Creed et al., 2002).

The reason I have chosen only 3 of the 6 questions in the WPR is that I wish to be able to analyse these in depth. I see the assumptions behind the representations as crucial to understanding the issue. I want to analyse the representation both in top-down and bottom-up perspectives. In so doing, I wish to analyse the different ways civil society (bottom-up), the media and the government (top-down) represent femicide in order to come up with alternatives to the dominant, in some cases damaging ideas. Thus, my analysis focuses on these 3 levels and on where these actors agree and disagree. However, in the last question of the analysis, I will only focus on the contestation by some civil society actors, which will be the part of the analysis with the heaviest focus. Furthermore, when it comes the last question of the WPR-approach it is divided into two questions: How/where has this representation of the problem been produced, disseminated and defended? How could it be questioned, disrupted and replaced? I will only utilise the last question, since I view this as the most relevant for answering my problem formulation.

The reason I chose this topic for my thesis is that in most of my former research, I have dealt with a large number of issues concerning VAW. Therefore, I view this thesis as a natural progression in this field of research that I am deeply concerned with and that I would like to dig deeper into analysing the current policies that seek to address the issue of femicide in Guatemala, which has a long history of violence. I also wish to create awareness of the difficulties that both indigenous women and men face in Guatemala after the long civil war from 1960-1996.

## Data collection

First of all, I use the LAF from 2008 to analyse since I find this important in establishing how femicide is represented by the Guatemalan state.

Furthermore, I have analysed 6 newspaper articles on femicide from 3 of the mainstream Guatemalan newspapers in order to discuss how femicide is represented by this important actor. These newspapers are 2 from Prensa Libre, who claim to be the leading newspaper in the country and 2 from Publinews, which is one of the other newspapers with a big daily circulation. Moreover, 2 articles from El Periódico, another major Guatemalan newspaper, were selected. I selected these sources by entering their websites and searched for “femicide”. Then I chose the most recent articles on the subject in order to analyse the most updated representations of femicide in Guatemala. These six articles are my primary sources for the analysis of the mainstream media representation. For this part of the analysis I have also used secondary sources as well as the interviews with women´s organisations that I asked about mainstream media representation of femicide in Guatemala in order to get the most balanced understanding possible of this aspect.

Initially, I wished to conduct interviews with as many actors involved in addressing femicide in Guatemala as possible, such as women’s and human rights organisations, policy makers, civil servants and lawyers. I sent many emails out to whomever in Guatemala that had something to do with preventing femicides. However, it has proved difficult to get in touch with many of these actors for reasons I can only guess. Maybe these could have been retrieved in other ways. But I have instead utilised secondary data sources to complement my interviews in order to make up for this shortcoming.

The bulk of my data collection for this paper includes 12 interviews. 7 of them were with women´s organisations (NGOs), 3 were with state institutions and 2 were with 2 people who work with VAW, one in Guatemala and one in the US. Although these actors are different in nature, throughout the paper, they will be referred to as women´s rights organisations, since they all work against femicides in some way.

I utilised the same set of 7 relatively open-ended questions, which I sent out to virtually every organisation I could find that has to do with femicide in Guatemala. I found that using open-ended questions is the method that is most appropriate within the interpretivist approach (Crabtree, Cohen, 2006). This is due to the fact that this approach allows the respondent to provide elaborate answers to the questions posed, as well as possibly providing additional information. It was also optimal for me in order to collect people’s perspectives and experiences so I could analyse and explain the relationships and variations in depth. These organisations I interviewed for this include first SOS Mujeres, which is a UN Women-supported NGO that works against GBV (Appendix A). I have also interviewed CONAMGUA (Appendix B). This organisation works for “promoting the economic and social development of women” (CONAMGUA, 2015). Then I got answers back from Grupo Guatemalteco de Mujeres (GGM), who work specifically on repositioning the problem of VAW in Guatemala (GGM, 2015, Appendix C). I also received a reply from Grupo de Apoyo Mutuo (GAM) which is NGO of relatives of missing persons illegally detained which works for justice, investigating past cases, opening legal proceedings against the national system and the human rights system (World coalition, 2015, Appendix D). Moreover, fortunately I received answers from one of the biggest and most well-known women´s rights organisations in Guatemala, Fundación Sobrevivientes or Survivors Foundation. This NGO focuses on supporting women, children and teenagers who have been victims of violence or trafficking (Fundacion Sobrevivientes, 2015, Appendix E). I also received useful insight from the organisation Mujeres Tierra Viva´s point of departure is a theoretical and practical feminism, used in transforming conditions of oppression, subordination and exclusion of Guatemalan women in defence of their sexual and reproductive rights and for the construction of a culture without sexism, racism and violence. (Mujeres Tierra Viva, 2015, Appendix F). The next organisation that responded to my inquiry was Defensoría de la Mujer Indígena (DEMI) (Appendix G). This governmental organisation supports indigenous women in maintaining their rights and in fighting the discrimination and violence faced by indigenous women. (DEMI, 2015, Tejido, Schramm, 2010). Moreover, I managed to set up a Skype-interview with an expert on GBV in Guatemala, Lily Muñoz, who provided me with a true wealth of valuable insight into the situation regarding femicides in the country, which will be applied to a large extent in the analysis section (Appendix H). In appendix H the reader can find (incomplete) notes on the interview. Furthermore, The National Statistics Institute (INE) gave me some statistics on femicides (Appendix I). Also, the Asociación de Mujeres Ixpiyakok (ADEMI), which is an NGO working for the rights of indigenous women, provided me with useful data (Appendix J). Through other contacts, I got in touch with a PhD scholar writing about femicide in Guatemala, Joyceen Boyle, who gave me some valuable data as well (Appendix K). Lastly, the governmental organisation Unidad de Pueblos Indígenas e Interculturalidad (MSPAS), which work with health issues in indigenous communities, gave me some insight into their perspectives on the problematique (Appendix L).

In my data collection for the interviews of women´s rights organisations, the methodology of the so-called snowball effect has been utilised. This is a technique in which a small group of existing study subjects recruit future subjects from among their acquaintances (Bryman, 2008). Thus, the sample group appears to grow like a rolling snowball. As the sample builds up, enough data are gathered to be useful for research. This method is used within qualitative research, since it is most suited for this type (Ibid). The advantages of this method include it being possible for me as the researcher to include people in the survey that I would not have known otherwise. Furthermore, many of these study subjects provided me with useful additional information about femicide in Guatemala that I would not have been able to obtain without the use of the snowball method. However, one of the dangers of this method can be a bias in sampling. Therefore attempts have been made to contact people from other points of view, i.e. e people who deny femicide problem status. This has not been possible, though. But the organisations interviewed disagree on some points.

Access to network of people working on the issue has been difficult to obtain, possibly since in the case of Guatemala women who speak out against the country´s deeply entrenched sexism face great threats to their security (Melville, 2007). Finding participants who meet the unusual criteria needed are typically hard to locate, since they do not wish to become targets of violence. Furthermore, I have tried to find parliamentary debates regarding the passing of the LAF. However, this was not possible, since these are not publicly available. I have also tried to find an indication of newly elected Jimmy Morales´ views on how to tackle the problem of femicide. This has been in vain, probably due to the aforementioned general indifference on behalf of the authorities towards femicides in Guatemala.

The theory/method utilised in the analysis is called the “What´s the Problem Represented to be?” This will be introduced more in depth in the theoretical considerations section. However, some important methodological points regarding this theory/method need to be made here. When it comes to using the WPR in the analysis, I have chosen to only utilise 3 of its 6 questions. I have chosen to not include 3 of the questions that I do not view as relevant as the 3 I include. I have chosen to put most focus on question 6 of the analysis that has to do with the contestation of dominant representations, since I view deconstructing harmful dominant discourses and replacing them with new ones that respects and value the lives of women, as crucial.

Thus, I have chosen to analyse the problem on 3 levels, or 3 different representations of femicide in Guatemala: First, the government´s at the time of the passing of the LAF in 2008, by analysing the LAF in depth. Then I will analyse the main written media discourse on femicides, using their websites. Lastly, I will utilise the 12 interviews I have conducted with different women´s organisations in order to discuss how the damaging representations could be replaced. I do not conduct a traditional policy analysis; I use the WPR more as a discourse analysis tool, which can be used for more than policies. The reason for choosing the WPR-approach is my longstanding interest and continuing fascination with how language shapes our understanding of the world.

Among other methodological troubles with this paper is the absence of systematically collected and recorded statistics on femicides. This lack of reliable data has seriously hampered my efforts to establish the real extent of the problem and understand its dynamics. Thus, at the root of this deficiency are the serious weaknesses inherent in the investigation of femicides, or in some cases, the total absence of femicide investigations.

However, I consider that the mixed nature of primary and secondary data gives this thesis a balanced nature. Since obtaining my own first hand reliable data has proven difficult, I have also utilized data from existing sources that concern the problem of femicide in Guatemala. Hence, I believe this makes my research more nuanced. Moreover, I feel that these sources are sufficient and relevant in order to shed light on the problem formulation in order to answer the research questions posed in the problem formulation section that will follow.

## Delimitations

This section describes the choices made by the researcher which should be mentioned. Thus, it describes the boundaries that I have set for the study. In order to create a concise argumentation, the paper required a number of delimitations, in order to remain focused on the relevant problematiques. These mainly involved the limits to time and space as well as a specified area of VAW as one of many forms of discriminations women “of colour” face. It clearly also involved limits with regards to the theoretical framework and the data collection.

The theoretical framework of critical feminist theory allows for a very broad scope of analysis, so limitations needed to be created within the framework. This involved selecting a core theory to create a succinct paradigm through which the subject could be effectively analysed. The data collection had a number of limitations such as having fewer but more in depth sources from which to draw conclusions. This was because from the interpretivist thematic perspective this is most effective to understand social processes and to see the emergence of themes.

The geographic limitations means the focus is purely on Guatemala, since this problem is particularly grave there, as well as in the neighbouring countries. My aim is to create more international awareness about the issue, which affects the lives of many women in Central America. Femicide is, however, also reflected upon in a global and regional context towards the end of the paper in order to put the Guatemala case in a global context and also to reflect upon areas for further research. The focus of this project needs to very narrow and analysing Guatemala was the most appropriate due to its high number of femicide cases in the later years. This was also an appropriate limitation as gathering data from more than one country would have been highly time-consuming and the conclusions may not have been as clear. Moreover, the significant historical reasons behind the current situation regarding the representations of femicide in Guatemala could have been explored more in depth, but this is beyond the limited scope of this thesis.

Additionally, this thesis was initially meant to only be focused on the femicides on indigenous women. But since no ethnicity-segregated data on femicides exist, I have chosen to focus on both indigenous and ladina women, but still with a focus on the differences in circumstances they face and how indigenous women are often marginalised in other ways than ladina women. Although much of my (unofficial) data claims the number of femicides on ladina women are higher than on indigenous women, this could be misleading since indigenous women often live in rural areas without the adequate means to report these crimes to the police. As claimed in a 2008 written statement by the UN Society for Threatened Peoples they … “*act(s) on the assumption that the number of victims of feminicide of indigenous origin can hardly be overestimated*” (Caissie, 2010).

Furthermore, due to the lack of media representation on the cases of murders against indigenous women, in some cases I have chosen to discuss cases involving ladina women simply in order to show how the media perpetuates misogynistic views on women, both ladina and indigenous. Especially the case of ladina girl, Claudina Velaquez Paiz, will be discussed in the analysis, since this is relevant in relation to the media representation of femicide. However, the danger of bias in the analysis of the newspaper articles exists, since I have only selected a small number of articles. This bias may also be present to a certain extent in the interviews, since I only received a relatively small number of replies that may not be representative of all organisations´ views.

Moreover, interviewing more government officials about the problem of femicide would have been beneficial to understanding the full scope of this problematique. Nevertheless, this unfortunately proved to be impossible, possibly due to the aforementioned general lack of interest in these matters. Especially the SEPREM, The Presidential Secretariat for Women, would have been relevant to interview, since this actor monitors the fulfilment of the commitments of the 1996 Peace Accords as well as to plan and promote policies and projects specifically aimed at women (Tejido, Schramm, 2010). However, this actor did not respond to my inquiries. Furthermore, the role of the collaboration between the state and civil society could have been explored more in depth and the different ways these two groups of actors seek to influence the debate. However, due to the limited scope of the analysis this part needed to be limited.

In the same vein, actually being physically in Guatemala, conducting interviews with femicide survivors and families of femicide victims would have been hugely valuable to my investigation for this paper in order to experience first-hand accounts of what it means to be victims of this widespread VAW in Guatemala. This would also have allowed for more control of the data collection and given me a more in-depth and concrete understanding of the issue. Furthermore, this would have given me a more personal experience of the issue. However, due to a limited time scope and a lack of resources in relation to this paper, unfortunately this also proved unfeasible. I believe, though, that I have a thorough and relatively deep understanding of the issue, through working with it for an extended period of time.

Additionally, one of the limitations of this paper is the lack of focus on distinguishing between different types of GBV and different forms of femicides. This is, however, also beyond the scope of the current paper. In addition, I feel this limitation is justified, since this aspect has been studied in depth previously by other researchers.

I recognise that one of the dangers to dealing with these issues from a Western perspective is the risk of imposing universalist “Western” values on the Guatemalan women. That is not the intention, however. The intention is to view these women as able agents of change and empowerment in the fight against GBV, not only for themselves, but also for their entire community.

Finally, when conducting the analysis, I will do my utmost to remain unbiased and value-free in my deductions and inferences, as this is the role of any reliable researcher. It is difficult to be completely unbiased though, due to the inherent, subjective nature of our human minds.

# Theoretical considerations

In this part, I provide insight into the theories/methodology utilised in this paper. First, I will discuss general gender theory and feminism. Then I move on to presenting the main theory/method of this paper: What´s the problem represented to be? In the end, I provide a brief section that sums up the main points of the theories and how they are related.

## Gender theory and feminisms

Gender can be defined in a number of ways, but I have chosen the one I find most adequate which is by The Women’s Empowerment Principles Initiative of 2011, that has defined gender as *“the array of socially constructed roles and relationships, personality traits, attitudes, behaviours, values, relative power and influence that society ascribes to the two sexes on a differential basis*.” The Initiative adds that “*gender is an acquired identity that is learned, changes over time and varies widely within and across cultures*” (Women’s Empowerment Principles Initiative, 2011). Furthermore, professors Ackerly and True emphasise the fact that gender is perceived varyingly in different contexts, due to diverse socio-economic and political pressures. (Ackerly, True, 2010). Gender relations that will be explored in this thesis in the case of Guatemala are of crucial importance to gender studies.

Feminism is a broad term for the movement and ideologies that share the common goal to define, establish, and achieve equal political, economic, cultural, personal, and social rights for women (Beasley, 1999, Hawkesworth, 2006). Another similar definition would be the belief that men and women should have equal rights and opportunities. In short, a feminist is an advocate and/or a supporter of the rights and equality of women (hooks, 2000).

Many different varieties of feminist theory exist. What unites these differentiating perspectives is the fact that feminists define gender as socially constructed characteristics that define what is meant by femininity and masculinity (Bayliss, Smith, Owens, 2011). Gender is also a system of social hierarchy in which masculine traits (e.g. rationality, strength) are often valued higher than feminine ones (e.g. passivity, emotionality) (Sørensen, Jackson, 2013). Hence, gender can be seen as a structure that signifies unequal power relationships between men and women on a global scale (Bayliss, et al., 2011). These cultural norms that define what is properly masculine and feminine have a divisive influence on society. An example of this is the distinction between the dominance of men in the public sphere, whereas women have traditionally been confined to the private sphere. Furthermore, gender researchers have noted the sometimes high salary discrepancy between women and men as well as the fact that female dominated fields generally have lower wages than male ones. These are but a few examples of the unequal power relations between men and women that exist throughout society.

Feminists often criticize indigenous women for promoting their collective rights, allegedly by subjecting themselves to gendered inequalities within their communities (Okin, 1999). Indigenous women, however, see their challenges as uniquely indigenous and therefore requiring indigenous solutions. Therefore, a unique form of feminism has emerged that is called indigenous feminism. Indigenous feminism is a political, social, and cultural movement and theory seeking global equality and sovereignty for indigenous people. This theory has varying characteristics depending on its geographical location. It is a branch of feminist theory and practice that advocates not just equality with men, but also the decolonization of both indigenous men and women. This ideology claims that indigenous leadership traditionally lies within the couple and that only Western visions recognise males in positions of authority (Lopez, 2006).

Moreover, indigenous feminism was developed out of a need to address the complexities that exist for indigenous women (and men) as a result of the complex intersections of race, ethnicity, and gender. Andrea Smith has noted that many indigenous women argue “*that feminism is actually an indigenous concept that has been co-opted by white women”* (Smith, 2011). Furthermore, indigenous women have to deal with several challenges such as domestic violence and sexual abuse, discrimination, a lack of/poor education, poverty as well as a lack of access to healthcare services, which indigenous feminists seek to address. The United Nations Permanent Forum on Indigenous Issues (UNPFII) has also mentioned that globalisation brings new challenges into indigenous women´s lives. Due to the shifting of local economic systems to capitalism, political and social structures are changing, and subsequently so has the role of indigenous women within their societies (Castillo, 2010).

In 1994, different Latin American indigenous women´s organisations drew up a law called the Women´s Revolutionary Law that would become an important icon for the indigenous women all over the continent. One of the main points in this law describing the rights of indigenous women included “*Rights to political participation and to hold leadership posts within the political system, to a life free of sexual and domestic violence, to decide how many children they want to have, to a fair wage, to choose a spouse, to an education, and to quality health services*” (Ibid). This illustrates the wide scope of problematiques faced by indigenous women all over Latin America today.

## Presentation of main theory/method

The principal theory/method utilised in this thesis is called “What´s the problem represented to be” or simply WPR. Author Carol Bacchi came up with the WPR, which is a straightforward, step-by-step theory/method that seeks to understand the underlying assumptions behind a given problem. In order to identify the underlying thoughts of the policy creation process the author developed her own research approach to policies (Bacchi, 2009). This approach takes nothing for granted (Ibid). Any given policy has an undeniable cultural dimension. Therefore, it is appropriate to think about policies in anthropological terms as a part of a larger project and to understand how governing takes place and what implications this has for the governed (Bacchi, 2009). The approach originally consisted of six analytical questions for studying policies. However, as explained in the methodology section, I will only utilise the 3 questions of this which I find most relevant to answer my problem formulation.

Although the WPR approach was developed with the starting place in Australian public policy, the intent was also to adapt the approach to other settings (Bacchi, 2009). The main intention of this theory/method was to provide a shift away from problem solving to analysing how policies represent problems as well as to challenge the male bias of many policy processes (Ibid, Waylen et al, 2013). Furthermore, policies are not neutral in meaning. Thus, when looking at statements or policies, one must also recognise *“the non-innocence of how ‘problems’ get framed within policy proposals*” (Bacchi, 2000), as the given frame may not only limit the understanding of an issue, but also limit the possible ways to act.

Bacchi draws heavily on both Foucault’s discourse analysis, but also on the existing literature on framing, when analysing how specific policies arise. Despite her approach being intended to analyse government policies, there are elements of her methodology which will be utilised as discourse analysis for the present research. The clear goal of this approach is to understand how governing takes place and with what implications for the governed (Bacchi, 2009).

One of Bacchi´s main contentions is *that “it is inappropriate to see governments as responding to ‘problems’ that exist ‘out there’ in the community. Rather ‘problems’ are ‘created’ or ‘given shape’ in the very policy proposals that are offered as ‘responses’”* (Bacchi, 2000). Hence, one should conceive of problems as social constructions that reflect certain inherent understandings of the world (Bacchi, 2009). One should therefore look at the problematisations, and how certain issues are put forward as posing a problem to be dealt with, when discerning how a given policy or policy proposal has come about (Ibid). However, Bacchi does not see policies as having been shaped with the aim of influencing public opinion; her approach should rather be employed *“to identify deep conceptual premises operating within problem representations”* (Ibid). This implies that one should consider the assumptions and presuppositions about society which allowed for the creation of a particular meaning, which then again led to the development of a given policy (Ibid). These, she argues, could involve epistemological and ontological assumptions, which become “conceptual premises” or logics, including “deep-seated cultural values” (Ibid). One should therefore also consider the ideological groundings of an actor´s particular stance, as this will partly explain why a certain issue is seen as a problem.

Below, I will go through each of the three steps that will be utilised in the analysis. These are identified by Bacchi as highly relevant for understanding how policy “problems” are represented, what presuppositions lie behind them and how these can be contested/replaced. The following sections are based on Bacchi, 2009, p. 2-21.

The three questions of the WPR-approach that will be utilised in the analysis can be described as in the following parts:

## What’s the problem represented to be?

The first question of the WPR deals with the basic clarification of the problem. All policies or statements are problematising activities that contain implicit, more or less obvious, problem representations. The argument in relation to this is that the way a person feels about a specific issue, determines what the individual suggests should be done about it. This can be thought of as a type of common sense. This way of thinking challenges the widespread tendency of describing policy makers as problem solvers. By contrast, the WPR approach recommends looking at revealing what is represented to be the problem within these proposals. A useful example of this could be child care, which can be seen as a labour market “problem”, welfare “problem”, a “problem” of family choice or a matter of public responsibility. Depending on how the “problem” is represented, different solutions can be offered. If child care is seen as a labour market “problem”, a cash rebate can be offered when both parents are engaged in paid labour. If child care is viewed as a welfare “problem”, means-tested subsidies could be made available to parents without adequate means. If child care is seen as a “problem” of family choice, vouchers could be given to families so they can spend it on care or as a subsidy for one of the parents who may stay at home to look after the children.

Of course, policies are complex. Therefore, often different kinds of representations exist in any given policy, which may conflict or even in some cases even contradict each other. Therefore, this first task needs to be recognised as a challenging one. Furthermore, policies are usually located within a web of interconnected policies that also need to be considered in this part of the analysis. In short, the main goal of this first question of the WPR is to identify implied problem representations in specific policies or policy proposals.

## What presuppositions or assumptions underlie this representation of the problem?

With this question, the real work with the WPR begins. Little is achieved by merely pointing out what the problem is represented to be. One must also look at the understandings behind the identified problem representation. Therefore, the second question of the WPR approach aims at understanding what is assumed or taken-for-granted within a given problem representation. The taken-for-granted background “knowledge” behind problem representations include epistemological and ontological presuppositions. By examining these it is possible to identify the “conceptual logics” behind a given problem representation. Conceptual logics mean that which must exist in order to give meaning to a particular problem representation. This question includes a search for deep-seated cultural values and which kinds of social, unconscious underpinnings lie behind a given problem formulation. Policies have to do with meaning creation and our task is identifying how this meaning is created. To achieve this, it is useful to engage in discourse analysis. Another major point in this part of the analysis is that we are not interested in identifying biases. Rather, the point of this question is to identify the assumptions that lodge within problem representations.

Furthermore, an important part of this question has to do with binaries or dichotomies within policies or statements. These are often inherent to public debates and there is a clear hierarchy implied in these, which is a relevant perspective to analyse. Examples of these could be nature/culture, male/female, legal/illegal etc. Binaries assume an A/not A-relationship in which what is on one side of a binary is excluded from the other. One side is considered privileged, whereas the other is viewed as of little or no value. These binaries simplify complex relationships. Thus, we need to locate where they appear in policies and analyse the way they function to shape our understanding of the issue discussed. The goal of this is to reveal the operation of the conceptual logics that may constrain our understanding of a given issue. For example, many Australian policies around Aboriginal issues contain implied civilised/uncivilised binaries. Another example of these dichotomies in problem representations could be the aforementioned childcare policies that clearly rest upon a distinction between “private” (usually the mother in the home) and “public” (publicly funded care) solutions. Foucault called these dichotomies “dividing practices” and stated that “*The subject is either divided inside himself (sic) or divided from others. This process objectivises him. Examples are the mad and the sane, the sick and the healthy, the criminals and the “good boys.”* (Foucault in Bacchi, 2009)

Furthermore, policies contain a large number of key concepts that are full of different meanings since they are often somewhat loosely defined and diffuse. Hence, they are often topics of heated debates. An example of these concepts could be “health”. Health can have whole range of different meanings. One may think of it for instance as wellbeing or merely as the absence of disease. The meanings of these concepts are often greatly disputed and much is at stake when meaning is assigned to these broad concepts. Some of these concepts, however, are so firmly rooted in history and culture that it can be difficult to identify their constructed nature. These disputes often also have to do with greatly differing political visions. Thus, the number one task in relation to this part of the analysis is to identify key concepts in a given problem formulation and to consider which meanings are given to them. Again, the example of childcare is useful in asking for example how the notion of labour is understood. Should domestic labour be considered a form of labour and if so, what would this shift in understanding mean to the representation of the “problem” and for the policies in place to address this (if any exist)?

Lastly, categories also play a central role in governing processes. Examples of such categories could be gender and sexuality categories, age categories etc. In this part, we look at people categories, since they are central to governing processes. Examples of these could be single mothers, students or citizens. It is important to not accept these categories as given, but to analyse how they function to assign meaning to certain problem representations. This approach accepts the claim that people are “made up”. A clear example of this can be the category of homosexuals. This category did not exist before the end of the nineteenth century. It is not thereby meant that homosexual activity did not take place prior to that, but the merely that the category had not yet been created. The creation of categories of people has crucial effects for how governing takes place and for how people think of themselves and others. Thus, the type of discourse analysis introduced in the aforementioned section has a clear goal: to analyse how these categories function in order to give certain meanings to problem representations.

## How could this representation be questioned, disrupted and replaced?

The main goal of the part of the last question I will utilise in the analysis is to consider the possibility of challenging some of the aspects of the aforementioned problem representations that could be considered damaging. This question intends to direct attention to practices that make certain problem representations dominant while others remain in less central positions.

The question of possible resistance to dominant, possibly harmful problem representations needs to be addressed with this question. It is important in this regard to recognise the fact that discourses are complex, plural and sometimes even at times inconsistent. Therefore, discourses can be seen as important resources for re-problematisation. Hence, the overall goal of this last question of the WPR approach, that I will utilise in the analysis, is to pay attention to the possibility of challenging the representations that could be considered harmful.

## Concluding theoretical reflections

To sum up on the theory section, feminist theory and the WPR are suitable to apply in relation to each other since one of the goals of the WPR approach is to identify the male bias in a given problem representation (Bacchi, 1999). Both theories also seem to share an important common goal: revealing and deconstructing harmful representations that can lead to discrimination and/or GBV. Thus, VAW has been an area where feminists have been particularly sensitive to the problem representations implied in policies to prevent it (Ibid). With this paper, I wish to continue this tradition by examining the case of the representations of femicide in Guatemala.

# Context

The context section is structured in the following manner: First, some key concepts regarding femicide and homicide in relation to this problem will be explained. Then aspects of machismo and marianismo will be discussed since these are important concepts that are needed to understand in depth gender relations in Guatemala and their relation to femicide. Lastly, a brief overview of the global discussion on women´s rights as human rights will be provided in order to serve as background information for the analysis in this paper and to give a deeper understanding of the complex issues surrounding the representations of femicide in Guatemala.

## Main concepts related to femicide

### Homicide and femicide

The term “femicide” was coined in the 1992 work “Femicide- the Politics of Women Killing” by Jill Radford and Diana E.H. Russell. These authors briefly defined femicide as the misogynous killing of women by men. Moreover, these authors provided a much more extensive definition of femicide stating that:

“*Femicide is on the extreme end of a continuum of antifemale terror that includes a wide variety of verbal and physical abuse, such as rape, torture, sexual slavery (particularly in prostitution), incestuous and extrafamilial child sexual abuse, physical and emotional battery, sexual harassment (on the phone, in the streets, at the office, and in the classroom), genital mutilation (clitoridectomies, excision, infibulations), unnecessary gynaecological operations(gratuitous hysterectomies), forced heterosexuality, forced sterilization, forced motherhood (by criminalizing contraception and abortion), psychosurgery, denial of food to women in some cultures, cosmetic surgery, and other mutilations in the name of beautification. Whenever these forms of terrorism result in death, they become femicides.*” (Russell, Radford, 1992).

Thus, it can be noted that VAW includes a wide range of aspects.

In 2004, Marcela Lagarde, a prominent Mexican politician and feminist, invited Russell to give a lecture at a conference in Ciudad Juárez after reading her anthology. Lagarde considered the term “femicide” an apt description for the macabre mass killings of women that had been going on in Juárez since 1993 which was a phenomenon that had attracted much international attention, inspiring numerous books and films on the issue. Lagarde intended to turn Russell’s idea into a political crusade. She then chaired a commission on femicide in the Mexican congress as well as promoted the term at events throughout Latin America (Schulman, 2010). Hence, the term of femicide became part of the rhetoric in Latin America.

The reason for the use of the term femicide/feminicide instead of the more commonly used term, homicide is that feminists argue that the language has been built on the masculine (“homo” means man) (Fregoso, Bejarano, 2010). This makes women invisible and excludes the existence of women and their rights in society. Thus, by using the term femicide, the awareness of the problem of misogynistic killings grows and persists as a separate legal category that is different from homicide (Ibid).

### Machismo and marianismo

During the [women's liberation](https://en.wikipedia.org/wiki/Women%27s_liberation) movement of the 1960s and 70s, the term machismo or hegemonic masculinity began to be utilised by Latin American [feminists](https://en.wikipedia.org/wiki/Feminist) to describe extreme male aggression and violence (Bowman, 2011). The term has also been used by Latin American feminists and scholars to criticise the patriarchal structure of [gendered relations](https://en.wikipedia.org/wiki/Gender_roles) in Latino communities (Castaneda, 1996). Moreover, an apt definition of machismo would be “*A strong, exaggerated sense of masculinity stressing attributes such as physical courage, virility, domination of women, and aggressiveness*” (American Heritage Dictionary, 2015), which is still playing a strong role in the lives of women in rural and urban Guatemala. The term possesses both colonial and class-related connotations. The use of Spanish produces historical colonial connotations through its promotion of Spanish and Portuguese masculine social construction, when the term should be used to describe specific Latin American historical masculinities (Bowman, 2011). Thus, by identifying machismo as a form of European identity, it offers legitimacy to the concept of a wicked formed of the same Western hyper-masculinity known to protestant cultures and subjugates Latin America's understanding of itself and its cultural history and its peculiarities (Ibid).

The class connotations of machismo have to do with the negative aspects and the avoidance of positive aspects of machismo that coincide with the concept of marginalisation and powerlessness of Hispanic and Latino men (Opazo, 2008). This is due to the fact that the focus on the negative and avoidance of the positive creates a power dynamic that legitimises mainstream American hegemonic masculinity as the correct masculinity and subjugates machismo as a degenerated "non-white" form of abuse against women and backwardness (Ibid). As a result, it creates a sense of powerlessness within Latino males in their expression of their masculinity and it also necessitates a hierarchy between different types of masculinities (Connell, 1987). Also in Guatemala machismo is deeply rooted in society. *“It is passed on from generation to generation. It is now part of the nature of men and women*” (Tejido, Schramm, 2010).

When it comes to the other side of machismo, Latin American feminists speak of marianismo. In essence, marianismo is the female counterpart to machismo. This concept originated during the time of the Spanish colonisation of the Americas (Gil, Vazquez, 1996). This is the other side of the dichotomy, the feminine side of machismo in Latin America. The central ideas related to the concept of marianismo include those of extreme feminine passivity and sexual purity. The power in marianismo stems primarily from the female ability to produce life. According to the American Heritage Dictionary, marianismo means “*A strong or exaggerated sense of traditional femininity, especially in some Latin American cultures, placing great value on forbearance, self-sacrifice, nurturance, and the limiting of sex to marriage*” (American Heritage Dictionary, 2015). This ideal continues to play a big role in the lives of many Latin American women (both indigenous and ladina) today.

Furthermore, as stated by political scientist Evelyn Stevens the term is derived from the Catholic belief in Mary who was the mother of Jesus and both a virgin and a mother “*It teaches that women are semi divine, morally superior to and spiritually stronger than men"* (Stevens, 1977). This term was originally meant to explain the social phenomenon in Latin America in which women were either labelled "saints or whores" (Gil, Vazquez, 1996). Marianismo is the supposed ideal of true femininity that women are supposed to live up to. These ideals include being modest, virtuous, and sexually abstinent until marriage and then being faithful and subordinate to their husbands in marriage (Ibid).

## Women´s rights as human rights

Another theme of great importance to the analysis in this paper is the discussion on women´s rights as human rights. At the Fourth Women's Conference in Beijing, China, 1995 the then First Lady of the United States, Hillary Clinton made a speech that became a watershed moment in the discussion regarding women´s rights as human rights. Clinton stated “*It is time for us to say here in Beijing, and the world to hear, that it is no longer acceptable to discuss women’s rights as separate from human rights*” (Kasperkevich, 2015). One of the leading scholars in the field of framing women´s rights as human rights is Martha Nussbaum, who claims “*(...) All too often, women are not treated as ends in their own right, persons with a dignity that deserves respect from laws and institutions. Instead, they are treated as mere instruments of the ends of others; reproducers, caregivers, sexual outlets”* (Nussbaum, 2000).

Furthermore, in 2013, Michelle Bachelet, former Executive Director of UN Women related women´s human rights to femicide *“Gender-motivated killings of women occur everywhere, in every country and culture of the world. It is an issue of universal human rights and inherent human dignity that concerns us all, involves us all, and requires concerted and urgent action from all of us”* (UN Women, 2013). Furthermore, gender equality is now widely recognised as a human right and is specifically targeted by Millennium Development Goal Number 3, "*To promote gender equality and empower women*” (UN General Assembly, 2000).

# Background

In this section, I will first provide an overview of the history of indigenous women (and men) in Guatemala from colonial times until today. Then, I will continue on to presenting briefly the LAF from 2008 before moving on to the analysis.

## Historical context

*"Historically, since the conquest, women have been attacked and abused. What has prevailed is impunity in the violation of the human rights of women."*

Giovana Lemus, from the Guatemalan Women's Group (GGM)

The history of violence and discrimination against indigenous women goes far back. An early example of this is when indigenous women were raped by Columbus and his men (Koning, 1991). However, history also shows that indigenous women played an active role in the war against the conquest and in the course of more than 500 years, these women have become pillars of cultural and political resistance (Lopez, 2006).

Guatemala is a multi-ethnic, multilingual and multicultural society (Tejido, Schramm, 2010). Nevertheless, since colonial times and until the mid-twentieth century, discussions on the status of indigenous peoples all over Latin America commonly referred to this issue as “the Indian problem” (Ibid). Furthermore, in nineteenth century Guatemala cultural anxiety brought about by Guatemala’s transition to coffee capitalism during this period led Mayans to develop understandings of race and nation that were contrary to ladino notions of assimilation and progress (Grandin, 2000). However, this alternative national vision did not take hold in a country plagued by class and ethnic divisions (Ibid). In the years prior to the 1954 coup, class conflict became impossible to contain since the elites violently opposed land claims made by indigenous peasants (Ibid).

Moreover, Guatemala has been one of the countries in the world with the most human rights violations associated with the exploitation of its diverse natural resources. These violations have occurred since colonial times and affect particularly the rights of indigenous peoples (Tejido, Schramm, 2010). The Guatemalan state itself has acknowledged the problem in one of its reports to the Inter-American Human Rights Commission *“Social inequality in Guatemala is rooted in history and basically affects vulnerable sectors such as the rural population, ethnic groups, women, the elderly and children. In this context, women are most affected by discrimination, exclusion and oppression, and this situation has had repercussions on social development in Guatemala”* (Ibid).

Furthermore, it is evident that the entire Guatemalan indigenous community has historically been characterised by patriarchal practices (Kellogg, 2005). One example of this is the fact that historically Mayan women have had much lesser access to property which has contributed to their secondary position in society (Ibid).

## Guatemala in the 20th century

Since 1954, when a US-supported coup overthrew a government committed to social reform and the redistribution of land, Guatemala’s history has largely been characterised by military rule, the repression of legal opposition and several internal armed conflicts (Minority Rights International, 2015). Since the 1970s, when many Mayans joined the guerrilla movements, the Maya have made up most of the victims of the armed conflict (Ibid). A particularly brutal counter-insurgency campaign was launched by General Ríos Montt in 1982 (defined as genocidal by the United Nations-sponsored truth commission), which involved the complete destruction of 440 Mayan villages in areas where the guerrilla movements were strong (Minority Rights Group International, 2015). Additionally, it can be noted that of the victims of the countless human rights violations during the internal armed conflict, 83% of fully identified victims were Mayan and 17% were ladino (Caissie, 2010).

Moreover, Guatemala´s internal armed conflict (1960-1996) has played an important role in the positioning of men and women towards each other. This civil war was primarily caused by a devastating conflict between the militaristic Guatemalan government and different (indigenous) guerrilla groups (Uppsala Conflict Data Program, n.d.). In 1999, the UN, by means of a Historical Clarification Commission Report stated that the internal armed conflict was a genocide on Guatemala’s indigenous people, which was commissioned by subsequent governments (Comisión para el Esclarecimiento Historico, 1999). This 36 year war, in which security forces raped and terrorised indigenous women and girls, left around 200,000 dead and approximately 40,000 disappeared (Fregoso, Bejarano, 2010). This conflict has devastating effects nowadays as well.

Additionally, sexual slavery was practiced during the war which targeted indigenous women in particular (Wilson, 2014). Glen Kuecker, a professor of Latin American History at DePauw University, has stated that the gender specific violence was and continues to be part of the government’s program aimed to destroy the fundamental social fabric of Mayan communities (Mychalejko, 2012). Furtermore, it is estimated that 88 % of those affected were Mayan women and girls who were systematically targeted for GBV and in particular femicide (UNICEF, 2013). The ancient practice of raping and killing indigenous women continued in the genocidal counterinsurgency strategy during the civil war, where Maya women were identified as internal enemies, and this tendency persists today (Mychalejko, 2012). Because of the historical nature of the widespread discrimination against indigenous women, after the war these women turned to a variety of organisations with political and social influence which gave these women a more public role than ever before (Kellogg, 2005). But reporting the crimes committed against these women were a completely different story. Only recently, has a group of women who were victimised during the internal armed conflict, come forward to denounce these aggressions in front of a judge (Wilson, 2014).

The internal armed conflict ended with the Peace Accords in 1996, but much of the violence persisted (Fregoso, Bejarano, 2010). The relationship between machismo and violence and the forces of militarised institutions constitute and fuel contemporary femicide (Ibid). There are countless examples of this widespread machismo. One of these is the 1998 Constitution that explicitly sets forth the husband’s rights as the legal head of his family (Fontes, 2010). Furthermore, until the late 1980s, the criminal code treated violence between husband and wife as a private affair in which the law should not intervene (Ibid). What´s more, men could, until recently, avoid prosecution for rape if they simply married their victim, who could be as young as 12 years old (Ibid). Such patriarchal laws continue to contribute to the high level of impunity that marks Guatemalan society, especially when it comes to how men are expected to treat women (Fontes, 2010). Since 2000, the most distinctive feature of the post-war situation had become the gruesome killings of women (Schulman, 2010). In the words of Rosa Franco, whose 15-year old daughter, María Isabel, was raped, tortured, bound with barbed wire, and then killed, *"What's happening today is the same as what happened during the war"* (Melville, 2007)

However, with the signing of the Peace Accords in 1996, women’s movements in Guatemala became able to start positioning themselves to implement their political project. This process was based on feminist theory, both in the urban context and in rural areas with indigenous women’s organisations (Tejido, Schramm, 2010). This was done in order to contest the structure of the Guatemalan society which was and is characterised by a history of violence, both against women and men. Thus, in 2013, there were over 6,000 violent deaths in the country (UK Government, 2014). Most of these were related to local criminal gangs (Ibid). The small country of Guatemala with only 16 million people of whom between 40 and 60% are of indigenous descent (Minority Rights Group International, 2015) has seen over 5,000 killings of women since 2003 which is the highest number of any country in the region (GHRC, 2010). Poverty is also a grave issue today for indigenous women and this exacerbates violence in all its forms (Melville, 2007). Many studies have concluded that poverty, in the broadest sense of the word, affects more women than men. The most distressing figures on different types of poverty, including economic, educational, deprivation and poverty are thereby for rural, indigenous Guatemalan women, who also continue to suffer from intersecting discriminations (Mindiola, Chabot, 2008). Still today notions of the aforementioned “indigenous problem” justify racist practices against indigenous peoples (both men and women), exploitation and denial of their human rights (Lopez, 2006). Thus, in Guatemala a political and cultural environment exists in which violence has been endemic throughout the second half of the twentieth century and where Mayanness is hugely devalued (Kellogg, 2005).

Furthermore, today many men are attracted to violent gangs. Admittance into these gangs is normally dependent on a man's ability to prove that he is macho. This fierce machismo of organised crime sustains itself in part through VAW (Melville, 2007). Vengeance in these gangs is enacted or territory is marked by murdering the women (girlfriends, sisters, and mothers) associated with their rivals. Further exacerbating this gang violence is a Washington policy that was begun in 1996 to immediately deport violent gang members in the US to their country of origin (Ibid). Thus, young men who fled Guatemala's civil war during the eighties are now being repatriated in increasing numbers. They return to their homeland of Guatemala as criminals, often without any remaining family ties in the country and without much possibility of gaining legal employment, which makes them more likely to join violent gangs (Nolin, Fraser, 2015).

## The passing of the LAF in 2008

In fighting to achieve formal recognition of femicide, women´s rights organisations faced an uphill battle against a long history of VAW, gender inequality, and the institutionalised acceptance of impunity for offenders (GRHC, 2009, appendix A). The political will to address the situation of femicide was slow to materialise and took years of support and lobbying from women‘s groups and discussions with the international community, including different NGOs and the US Congress (Ibid).

But finally, on April 9th 2008, the Guatemalan congress passed The Law Against Femicide and Other Forms of Violence Against Women which recognised femicide as a crime that provided longer prison sentences to men who murder women and other types of violence including physical, psychological, sexual and economic VAW committed in the private, as well as in the public sphere (Velasco, 2008).

The law officially came into force on May 16th 2008 (Appendix G). According to the LAF, the prison sentences for femicides were set to range from 25 to 50 years with shorter sentences for other types of VAW (LAF, 2008). This law was passed as a result of the tireless efforts of women´s rights activists “*This is an historical moment in the life of our country,*” Rosa María Angel de Frade, declared who was vice president of the Congressional Committee on Women at the time (Amorín, 2008).

As stated in the LAF, the Guatemalan government was also to set up the so-called Office of the Presidential Commission against Femicide, which was tasked with implementing the law (LAF, 2008). Moreover, an anti-femicide unit in the national police was created. Additionally, an anti-femicide publicity campaigns was launched along with standing up public prosecutorial offices that specialised in VAW (LAF, 2008, Shulman, 2010). There was a significant increase in reports of femicides immediately after the passing of the LAF in 2008 (Appendix H). However, still today very few offenders are actually convicted of femicide (Schulman, 2010).

# Analysis

The 3 questions in the WPR approach chosen for this analysis discuss the representation in the policy on femicide and its effects on mainly indigenous women in Guatemala. This analysis will be conducted on 3 levels. Thus, the two first questions contain analysis of the primary and secondary data from all 3 actors, whereas the 3rd question of the analysis will only utilise the primary data 12 interviews (and secondary data) in addressing the possibilities of contesting damaging femicide representations.

## What’s the problem of femicide represented to be in the LAF, in the mainstream media and in the interviews with women´s rights organisations?

In this first part of the three questions in the analysis, the aim is to analyse and clarify how the problem is represented on the 3 aforementioned levels: the top-down perspective from the government (the LAF), the mainstream media representation (6 newspaper articles) and the bottom-up perspective from 7 women´s NGOs, 3 state organisations and 2 experts on GBV (a total of 12 interviews).

First, the main concept in the LAF that could be seen as rather remarkable is the repeated mention of the importance of the protection of women´s human rights. This is the concept that is mentioned most throughout the LAF. Thus, in the first paragraph (and many additional times) of the LAF it recognises women´s human rights, which suggests the fact that these were not respected prior to the passing of the LAF and that there is a need to protect these better, which seems to be the main intention with the LAF. The law appears ambitious in the way that it seeks to *“guarantee the life, liberty, integrity, dignity, protection, and equality of all women (…)”* (LAF, 2008). This proposes the fact that women in Guatemala face many barriers to achieving justice and that the LAF can help women in this regard.

Furthermore, the law states in several places that the Guatemalan society has been characterised by androcentricity and machismo, which also points to tendencies in Guatemalan society that need to be replaced (LAF, 2008). This fact also further points to the urgency of addressing the issue of femicide as well as to the lack of effective measures prior to the passing of the law in 2008. Additionally, the law points to the importance of living up to international conventions such as the CEDAW and the Belem do Pára that both emphasize the significance of women´s human rights in international law (LAF, 2008). This suggests that the Guatemalan government has felt an international pressure to live up to certain standards when it comes to protecting women´s human rights. Therefore, there was a need to address this with a law. Thus, in the first sections of the law, the background for it is explained (Ibid).

Moreover, the LAF states that the killings of women have formerly been treated as homicides (LAF, 2008) which further points to the need of addressing these murders using the term femicide to denote the gender-based nature of these crimes. This also suggests the fact that the laws in existence to protect women from violence before the LAF in 2008 have not been sufficient in preventing the country´s high numbers of femicides.

Additionally, the law points out 3 different types of VAW: femicide, VAW (physical, sexual and psychological) and economic violence (Ibid). This can be seen as the government´s way of portraying VAW as a wide range of offenses that need to be addressed with this law. Furthermore, by criminalising all forms of VAW, the law symbolises a gradual shift in the state´s perception of women and recognises unequal power relations between men and women.

One paragraph (2.6) in the LAF talks about the multiculturalism of Guatemala (Ibid), which is relevant when analysing the situation for indigenous women. This part of the LAF officially recognises the historical inequality between indigenous communities and the rest of the population and especially for indigenous women, which could be seen as promising. However, this part of the LAF does not offer any solutions to ending this inequality.

Lastly, it is worth mentioning that the LAF exists in interrelation with other laws, for example a law on domestic violence which is a type of VAW. Prior to the 2008 LAF, the 1996 “Ley para prevenir, sancionar, y erradicar la violencia intrafamiliar” (Law to Prevent, Punish, and Eradicate Family Violence) existed to protect women against domestic violence. Prior to the LAF, only this one law existed to protect women from GBV (Musalo, Bookey, 2013). Domestic violence is one of the leading factors in cases of femicide, but many authorities refuse to implement the Domestic Violence Law (Decree 97- 96) (Andrade, 2011). Furthermore, confusion among judges persists as to when to apply which laws (Appendix H). These prior laws have clearly not been effective enough in lowering the high rate of femicides, which is also why the LAF contains a wider perception of VAW, than former laws on the issue.

When it comes to how femicide in the mainstream media, according to Lily Muñoz and 2 of the other organisations interviewed, this type of media plays an important role in the representation of femicide in Guatemala (Appendix D, G, H). However, most media portrayal of femicide and VAW continues to rely on blood, gore, nudity, and torture in order to sell the issue to readers that are more interested in photos than analysis (GHRC, 2009). Over time the media has simply grown numb to the violence (Bevan, 2011). Thus, misogyny not only acts as a motivator for GBV, it also distorts press coverage of these crimes (Ibid). According to ADEMI, particularly, women “of colour” and poor women are victims of a general apathy along with the aforementioned widespread victim-blaming and stereotyping (Appendix J).

Muñoz also claims that the mainstream media tends to re-victimise the victim (Radford, Russell, 1992, Appendix H). Furthermore, many women's organisations in Guatemala have argued that newspaper reports of murdered women use language that minimises the problem, and deflects attention away from systemic gender violence within the family and other institutions by suggesting that the majority of murders are committed by psychopathic gangs (England, 2014). But according to Muñoz, the reasons behind femicides are much more complex in nature and require more detailed and respectful analysis in the media (Appendix H).

Another significant characteristic of the 6 newspaper articles concerning femicides, that have been analysed for this paper, is that they are short and do not go much in depth with the cases or with the reasons behind the murders or how to prevent more murders. These mainstream newspaper articles only mention the basic facts regarding the murders, for example in the articles on femicide in one of the biggest Guatemalan newspapers Prensa Libre “*Woman killed in front of her daughter in Jutiapa”* (Gónzalez, 2014) and in El Periódico in which the headline of a small article on femicide simply reads “*Sentenced to 132 years in prison*” (Cifuentes, 2015).

Furthermore, the number of cases in the mainstream media involving the murders of indigenous women is very low (Appendix G). In fact, no articles have been found for the data collection in this thesis that mentioned the ethnicity of a murdered woman. This is a problem since it makes the general population think femicide is not a problem in indigenous communities (Appendix J). But according to the Council on Hemispheric Affairs, indigenous women are especially at risk of becoming victims of femicide, since they do not benefit to the same extent as their non-indigenous counterparts from services that would otherwise protect them from violence as well as enhance their ability to seek redress (Domfeh, 2014).

The sensationalist aspect is also a prevalent characteristic in mainstream Guatemalan newspaper articles on femicides. An example of this could be a 2015 article from Publinews with the headline “*53 year sentence to a Chinese and a Guatemalan man for the death of a female ballet dancer*” (Maldonado, 2015). Another example of this could be from another mainstream newspaper Prensa Libre *“Woman is murdered in front of her daughter in Jutiapa*” (González, 2014). Also the third newspaper analysed, El Periódico, uses sensationalist language in the headline of one of their articles on femicide *“Man shown to have killed no less than 11 women is captured in San José Pinula”* (Tulio, 2015).

According to Lily Muñoz “*The mass media has contributed to normalise this violence in such a rude, prejudist and sensationalist way. We are presented daily with numbers in the news and the images regarding the problem”* (Muñoz, 2013). Furthermore, these media reports are dwarfed by the daily barrage of murder reports that have the bare minimum descriptions of the cases and very little follow up (England, 2014). Also, the discrimination against indigenous women at all levels can be noted in both the media´s lack of coverage of femicides against indigenous women and the government agencies´ lack of collection of ethnicity-disaggregated statistics, which is highly problematic for addressing issues unique to the indigenous communities in Guatemala (Musalo, Bookey, 2013, Appendix J). Moreover, most of these newspaper articles are based on mere statistics and do not address the structural reasons in Guatemalan society that cause this problem to persist.

When it comes to the representation of femicide by the women´s rights´ organisations I have interviewed, they agree on some points and disagree on other issues regarding femicide on indigenous women. First of all, the organisations I have interviewed agree that the high number of femicides in Guatemala can be attributed to the existence of a patriarchal society in which machismo predominates at all levels and that there a great a need to work against these structures (All appendixes).

According to most of the organisations interviewed, the high rate of femicides in Guatemala is deeply rooted in a culture with a history of strong patriarchal tendencies (Appendix A, B, E, F, G, H, L). These organisations state that this issue lies at the heart of the problematique. Furthermore, it can be argued that *“a systemic tolerance of violence against women, including domestic violence, remains entrenched in Guatemala’s legislation and in its male-dominated culture”* (Nolin, Fraser, 2015). A clear proof of this tolerance of VAW can be noted in the number of Guatemalans who accept, i.e. approve or understand violence in the case of a woman´s infidelity, which according to a survey by Americas Barometer stands at 58 % in 2015 (Azpuru, 2015). In the same vein, elevated femicide rates are often accompanied by a high level of tolerance to VAW among the wider population (Musalo, Bookey, 2013). Thus, it becomes evident that femicide and other forms of VAW are inextricably linked in Guatemala (Ibid).

Moreover, femicide has to do with *“a recreation of gender bias and female disempowerment”* (Kaufman, 2007). It is important to consider in the present normalisation of GBV in Guatemala since femicide cases that result in impunity for perpetrators and deeply imbedded rigid gender roles make women discouraged to raise their voices, in the knowledge that there is no safety net in legal frameworks. (Ibid) Thus, I have come to understand that the widespread impunity is one of the main causes of femicide in Guatemala. As Jorge Velasquez, the father of femicide victim Claudina Velazquez has stated, "*The government has extended an invitation to murderers to kill"* (Melville, 2007). This highly damaging impunity not only contributes to the murders of women, but also to the murders of men, to a general loss of faith in government and to a disintegration of the rule of law (Ibid). In short, impunity permeates Guatemalan society.

The causes of this representation of femicide as something normal and inevitable largely stems from the country´s violent past (Appendix H). Most of the organisations I have interviewed agree that the country´s violent past is one of the main causes of the high number of femicides in the country, although they do not agree to which extent this influences the current situation regarding femicides in Guatemala (Appendix D, E, F, G, H). Also, the indigenous subject is conceived in the violence of the conquest and the internal armed conflict, and the race and gender logics emanating from these originary moments of violence continue to operate in the country (Ihmood, 2011).

Furthermore, all the organisations interviewed agree on the fact that the LAF has clearly created an increased public awareness of the problem that had not been there previously (All appendixes). However, also according to the women´s rights organisations I have interviewed, the law had a limited effect in tackling the issue in depth (Ibid). Some of the organisations interviewed point to the path dependency of violence both against men and women that Guatemala finds itself in stuck in (Appendix D, E, G). Moreover, in the words of director for the CGRS, Karen Musalo "*During Guatemala's decades of internal armed conflict, state-sponsored violence was widespread, and rape was commonly used as a weapon of war against women*” (Musalo, 2013). Numerous investigations have concluded that the vast majority of these human rights violations were conducted by members of the Guatemalan Army or intelligence services (Ibid). Today, almost a decade after the conflict's resolution, many of those responsible have escaped prosecution and now work with the police or private security forces. *“Perhaps it is no wonder that violence against women continues unabated, and that the perpetrators are virtually never brought to justice"* (Fisher, 2007). Thus, VAW in Guatemala has been shaped by long-established patterns of both gendered and racialised violence against indigenous women that goes back to the Guatemalan civil war (if not earlier), when these women were seen as “trophies” (Ibid). The organisations interviewed do not, however, agree on the extent of the influence of the violent past on the current representation of femicide. Some point to the same brutal nature of VAW used in the internal armed conflict that is also seen today is a sign that the country is trapped in a cycle of violence that affects both men and women (Appendix H).

In Guatemala, there are various examples of gender/ethnicity bias and disempowerment. One of the clearest manifestations of the discrimination of women, especially of indigenous descent, can be noted in Guatemala´s global ranking of women’s political representation which according to the Inter-Parliamentary Union is situated as the country in the Central American region (99 out of 192 countries worldwide). In the recent elections only 3 indigenous women gained seats (out of 158 seats) in the Guatemalan parliament (UNDP, 2013). Moreover, in the 333 mayoral races in 2011, only seven women were elected, none of them indigenous (NDI, 2015). This lack of political power faced by indigenous women is also a root cause of many of the problems this group of people struggle with (Appendix H).

Another clear example of the fierce resistance towards the emancipation of women in Guatemala is the case of Maria Cristina Gómez, a women's rights activist with the indigenous organisation Ixqik Women's Association. This woman worked to stop VAW and increase women's political participation in the department of Petén, in northern Guatemala. However, in 2007, Gómez, her son, and her daughter, also a women's rights activist, were shot down in Petén. Gómez and her son were killed in the attack, and her daughter was left seriously injured (Melville, 2007). This is another example of the deeply rooted gender inequality in Guatemala (Appendix H).

In discussing the representations of femicide by women´s rights organisations Marcela Lagarde, a Mexican feminist is important. This feminist author brought the term of femicide to Latin America in the early 2000s (Shulman, 2010). Lagarde has also brought up the discussion of femicide as a “state crime”. In the words of the director of the Asociación de Mujeres de Guatemala *"Feminicide is an attack on the collective body of the state through the individual bodies of women”* (García-Valdecantos, 2015).

Other Guatemalan women’s rights defenders, such as Lily Muñoz, speak of feminicide, involving both femicide perpetrators and the government in the brutal killings and the tolerance of these killings (Appendix H). As Catalina Fajarto Pérez, the sister of a femicide victim, has told Al Jazeera in 2013about the prevalent, macabre killings of women in Guatemala *"There are other cases like her. After my sister was killed the bodies of two other women appeared. There is impunity and nobody really cares"* (Boscan, 2013). This indifference remains widespread in Guatemalan society; from the beat cop to the high judge (Shulman, 2010).

Moreover, there are serious questions about the depth as well as the consistency of the political will to ensure compliance with the 2008 LAF, since many feel as if it has not been implemented sufficiently (Musalo, Bookey, 2013, Appendix B). There is also widespread hostility or straight-out resistance by justice system officials and members of Congress to the LAF (Ibid). In order to address this resistance and/or indifference, in May 2012, the InterAmerican Commission on Human Rights (IACHR) sent the first ever Guatemala femicide case to the Inter-American Court of Human Rights, admonishing the Guatemalan government for *“creating an environment conducive to the chronic repetition of acts of violence against women”* (Musalo, Bookey, 2013). Since then, much international attention has been drawn to the phenomenon of VAW in Guatemala and the clear lack of an effective government response (Ibid).

The women and girls that fall victim to femicide have something in common, according to VAW-expert Maria Cecilia Espinosa *“These were girls who didn’t follow traditional gender roles”* (Ihmood, 2009). One may claim that the general view of them would be that they belonged in the category of “bad women”. In the case of 15-year-old femicide victim, María Isabel Véliz Franco, her mother stated *“They came to tell me that my daughter was a gang member or a prostitute and therefore they had killed her (…) None of this was true; they had the obligation to investigate, but they never did”* (Viato, 2015). This was the case that was brought to The Inter-American Court of Human Rights, which ruled that the Guatemalan authorities had failed to investigate the crime (Amnesty International, 2014). This could be seen as a step towards bringing the Guatemalan state to take further measures to protect the lives of its female citizens.

Lily Muñoz also speaks of the importance of women´s lives free from violence (Appendix H) and how the concept of women´s rights as human rights became more widely known with the passing of the LAF in 2008. However, the law is not working if it is not implemented sufficiently. Moreover, various Guatemalan women’s rights defenders speak of feminicide, or the genocidal killing of women, involving both femicide perpetrators and the government in the brutal killings and the tolerance of these killings. What further aggravates the problem is that there are no profiles of the femicide victims or the perpetrators and the mainstream media generally has a tendency of re-victimising the victims. Hence, the mainstream media does not support women when it comes to the representation of femicide.

## What presuppositions or assumptions underlie the representation of the problem in the LAF, the mainstream media and the representation by women´s rights organisations?

When addressing this second question of the analysis, like in the prior question, I will also conduct the analysis on 3 levels. I will first analyse the top-down perspective discussing the presuppositions behind the representation in the LAF from 2008, also using secondary data sources. Then I move on to discussing the assumptions behind the mainstream media´s discourse on femicide using both the aforementioned 6 newspaper articles and secondary data sources. Lastly, I will analyse the interviews by 12 organisations in discussing the bottom-up-inspired notions and assumptions behind their interpretation of the problem of femicide.

According to Lily Muñoz, the key concept of femicide arose in Guatemala with the LAF in 2008. Prior to this, the gendered nature of these crimes was not recognised widely (Appendix H). Hence, the meaning of this “new” concept was for the first time recognising the gendered nature of the problem that had been faced by Guatemalan women for many years.

Another key concept that is mentioned repeatedly in the LAF is human rights (LAF, 2008), which in many ways is a highly contested term, especially when it comes to their gendered nature. There is also an apparent understanding that human rights are also women´s rights, which might not have been a commonly held belief prior to the law. Thus, (women´s) human rights are a central concept in the LAF. This is an interesting aspect of the Guatemalan as well as the Mexican LAF is that it mentions the protection of women´s human rights. Apparently, in the Guatemalan context the politicians behind the LAF found it important to emphasise the fact that women´s human rights should be protected. This puts women in a category of people who need special state protection.

Moreover, a clear public-private dichotomy can be identified and analysed in the LAF. The law points to the fact that its intention is to protect the lives of women both in the private and in the public sphere (LAF, 2008). This suggests that women´s lives are at risk wherever they go and it further emphasises the need of a law to protect women´s human rights. In relation to this, Lily Muñoz points to the wide-spread, traditional belief in Guatemala that the state should not interfere in the private sphere (Appendix H). This notion is clearly rejected in this part of the LAF.

Furthermore, as more and more Guatemalan women seek to attend school and enter the workforce i.e. entering the male-dominated public sphere, they risk confrontations with a patriarchal society that often employs violence to force women back into limited roles within the home or the private sphere (Melville, 2007). With this the important public-private dichotomy comes into play again in relation with the representation of femicide in the LAF. Traditionally, women have been considered to have to remain in the private sphere. *“Worrying testimonies have been received in relation to the noticeable sense of insecurity that women in Guatemala feel today as a result of the violence and murders in particular. The resulting effect of this intimidation carries with it a perverse message: that women should abandon the public space they won at much personal and social effort and shut themselves back up in the private world, abandoning their essential role in national development”* (Ogrodnik, Borzutzky, 2011).

Furthermore, VAW-expert Lily Muñoz explains that when more and more women leave the private sphere to work and thereby becoming empowered, some men start to see these women as competition, which makes the men more prone to committing VAW (Appendix H). Furthermore, as activist Mercedes Hernández states *“It is no coincidence that the bodies of the victims appear in public. It is a message that women are not wanted in public spaces”* (Telesur, 2014). There is a clear political dimension to these murders of women. They can be considered a consequence of the control and punitive power over women (Tejido, Schramm, 2010). These murders could also be considered to function as a warning for other women, particularly those who work or socialise outside the private sphere which is traditionally known as the male domain (Appendix H).

Moreover, in the LAF it is stated explicitly that women are protected when their rights are threatened both in the public and private sphere (LAF, 2008). However, the LAF was not easy to get passed. According to DEMI, there has been much opposition to intervening in the “private” sphere, where most of the femicides occur. This could be attributed to the aforementioned fact that in Guatemala, traditionally the matters of the private sphere, would be considered to stay in the private sphere and that “marital matters” were something to be “solved” within the home (Appendix J).

In the LAF, women are represented as a gender category in need of state protection. This gives the category of women a passive character, disregards the agency of women and places men in the category of active subjects. Furthermore, the utilisation of the term femicide does not recognise the racial aspects of these killings in the LAF and does not take into account the compound effects of racism and misogyny (Radford, Russell, 1992). This fact has produced a category that discursively represents Guatemalan women as one homogenous, undifferentiated group.

When it comes to the presuppositions behind the mainstream media´s representation one of the cases I will study, as mentioned in the methodology, is the case Claudina Velazquez Paiz. On August 13th 2005, 19-year-old Claudina was murdered. The Guatemalan authorities initially dismissed the prospects of investigating Claudina‘s killing, on the grounds that she was “not worthy” of investigation, because of the fact that she had a belly ring and wore sandals (Ihmood, 2009). Furthermore, Claudina´s father has stated that the police never processed the crime scene, never questioned witnesses, never established the place or time of death, and only came to take fingerprints during his daughter's funeral service (Melville, 2007). The framework that informs the construction of this discourse, draws upon essentialised notions of universal womanhood as well as re-inscribes a duality between one category of women that are deemed representable, and another that is judged to be un-representable. This distinction exists between one group of women that is defined as being worthy of state protection, rights and justice, and another who is not (Ihmood, 2011). Thus, clear good/bad or worthy/unworthy binaries can be noted in the construction of the discourse behind Claudina´s murder. It is a general trend both in the mainstream media and by government officials that some women are put in the category as worthy of dignified treatment, some are not. Thus, in the media and the police´s discourse of the murdered women two categories of women exist, namely the representable women and those who are deemed the opposite. Furthermore, Cindy Forster, who has researched justice and gender in rural Guatemala, highlights how indigenous women and women from lower socioeconomic social strata have long been deemed dishonourable, and in some cases even “bad women” (“mujeres malas”, bad women) by virtue of their social positioning. These women are put in the category of unworthy women. Thus, their “morality” could and should not be defended in court (Godoy-Paiz, 2012). These women are often seen also put in the category of “nobodies” (Fisher, 2007). In the same vein, these facts are related to the prevalent victim-blaming in the mainstream Guatemalan media, which can be noted in the following quote.

*"They laughed at me and told me my daughter was a prostitute."*

- Rosa Franco, mother of María Isabel, 15, who was raped, tortured, and killed in 2001 (Viato, 2015)

Moreover, key Guatemalan officials as well as many mainstream media sources have continued to blame the victims for bringing this violence upon themselves. Additionally, family members of murdered women report that these attitudes often translate into hostility towards them when seeking government intervention and investigation (GRHC, 2006). Blaming the skyrocketing numbers of murdered Guatemalan women on the victims, and implying that their murders are the result of their involvement with gang or other illegal activity is a clear indication of a lack of commitment to locating and bringing the perpetrators to justice (Ibid). However, the majority of women killed in Guatemala, are not directly involved with organised crime. The victims are students, housewives, factory workers, and domestic servants (Ibid). But as Giovanna Lemus (GGM) notes both in the mainstream media and in society in general *"It's easier to say that they're sex workers or part of organized crime than to assume responsibility"* (Melville, 2007).

Furthermore, both the mainstream media and the police tend to blame the victim, claiming that the murdered women probably did not follow traditional gender roles and/or acted immorally in some way (Ibid). Women are put into the category of unworthy because they did something that made them deserve their killing. The police thereby try to absolve themselves of responsibility to investigate the murder cases (Ihmood, 2009). A clear manifestation of this victim blaming and the putting women in the “unworthy” category is seen in some of the bodies that in some cases have messages like "death to bitches," scrawled on them. Thus, machismo not only condones VAW, it also places the blame on the victim. In the words of Lily Muñoz, the *“mainstream media re-victimises the victim”* (Appendix H).

Some have also described the femicides in Guatemala simply as so-called "crimes of passion" (Melville, 2007). These are describes as crimes committed by a man against a woman who has been unfaithful to him (Ibid). Since only the category of unfaithful women are the victims of crimes of passion, this represents another type of blaming the victim as well as another easy attribution that does little to advance the much needed justice in these cases. While domestic violence is a severe problem in Guatemala, CALDH's research indicates that only 30 percent of recent femicides in Guatemala could be attributed to that cause (CALDH, 2011). The majority of femicide cases seem more likely to have been executed by perpetrators outside the family (Meville, 2007). But since there are no official femicide statistics, these numbers can only be considered estimates.

In addition, it can be noted that a lack of education and widespread poverty are also some of the complex root causes of femicide. Poverty is considered *“the most consistent indicator of educational disadvantage”* in Guatemala, where school enrolment, retention and transition rates are lower among indigenous girls and adolescents compared to non-indigenous females and indigenous and non-indigenous males (UNWomen, 2013). Also, indigenous women often do not possess the resource to pay for legal assistance, let alone travelling to the cities (Appendix J).

 *“We are a society that has gotten used to death…We had the longest civil war in Latin America with thousands of people dead, so people here take it as something normal. Women are not seen as great contributors to the country, so violence against them seems to be acceptable.”* Norma Cruz (Bo, 2009)

Thus, it can be noted how in Guatemala, violence in all its forms has been normalised, both in the public and private spheres. As mentioned before, to most Guatemalans, the concept of femicide appeared with the passing of the LAF (Appendix H). This concept was unknown before 2008. Thus, the gendered nature of the killings was not widely recognised prior to the LAF.

The above mentioned issue is a most pressing problem in Guatemala. Hence, different forms of VAW and femicide, originating from the civil war period, are highly normalised in the present social sphere. This is visible in the way that today’s femicides are characterised by the same patterns of torture as well as an even more concerning impunity with which these cases are treated by the legal system and governmental authorities (Kaufman, 2007). Hence, the aggressors are emboldened by knowing that the chance of being convicted for these crimes is virtually non-existent; a fact that only further normalises the violence. Thus, while taking different forms throughout different historical periods, violence targeted at certain groups namely, indigenous people, the poor, and women and has been supported, if not perpetrated, by the state and normalised within Guatemalan society for a number of years (Appendix F). Thus, both pervasive sexual violence against women and femicide are widespread and not only historically rooted but normalised since the time of the conquest (Wilson, 2014). Furthermore, not enough funds are allocated to the institutions in charge of collecting data on femicides and these often report contradictory numbers regarding the investigation and processing of complaints of violence against women (Musalo, Bookey, 2013). According to several of the organisations interviewed, the State has yet to come up with an effective measure to counter the prevalent VAW in Guatemala (Appendix C, H).

Today, there is also a widespread denial or downplaying of the severity of the high level of Guatemala’s feminicides that emerges from the upper echelons of the nation’s government and military. An example of this is when in 2004, former army general, then Presidential candidate, Otto Perez Molina (who is himself known as a killer (Melville, 2007)) denied the fact that women are targets of killings in the country, since they comprise only 8% of the murder victims in the capital, and he further claimed that those women who are murdered are directly involved in criminal activity and/or have ties to gang violence (Nolin, Fraser, 2015).)

For human rights defender, Doris Cruz, *"the discussions previous to the approval of the law have made it clear that the dominant ‘macho culture’ in Guatemala will make it difficult to implement the law”* (Velasco, 2008) Evidently Guatemala has *"a weak justice system that doesn't care about the deaths of women*” (Melville, 2007)

The ways that indigenous Guatemalan women are affected both by sexism and racism and which challenges they face because of it is not addressed sufficiently by the state in the LAF. Thus, as mentioned earlier the LAF does not have much focus on the intersections of racism and sexism in the country. Hence, as mentioned earlier, no statistics exist based on the ethnicity of the murdered women (Appendix H). However, the organisations interviewed disagree on the femicide numbers on indigenous and ladina, respectively. But since no ethnicity-segregated data on femicides exist, nothing can be concluded regarding this with any certainty.

According to Lily Muñoz, the inefficiency of the Guatemalan state is rarely spoken of within the country and therefore effective solutions to the problem of VAW are not brought forward or prioritised sufficiently (Appendix H). Some would argue, though that *"If the culture of respect towards women doesn't change in the household it won't matter how good our institutions are"* (Reynolds, 2015). But the state has a clear responsibility in securing the lives of all its citizens (Appendix H). Furthermore, lawyer Susana Chiarottin told Inter Press Service last year that *"Where the legal definition of femicide exists, it has led to greater impunity rather than effective punishment"* (Fox, 2012). So, the law cannot stand alone in the fight against femicides in Guatemala (Appendix H).

Additionally, SOS Mujer claims that there is a clear dichotomy when it comes to seeing femicide in legal terms and in social/cultural terms. In legal terms, the LAF sounds like great progress for women´s rights, but in reality it is questioned constantly both by the general population and the justice system itself, who often do not see the need for it, since VAW is considered as something inevitable, normal and inherent to Guatemalan society (Appendix A). Moreover, there are huge differences between what is expected in the LAF and reality (Ibid). The LAF mentions human rights much, but there according to SOS Mujer, there is an astonishing lack of recognition for women´s human rights in the country (Ibid). However, none of the other organisations interviewed mention this problematique.

According to several institutions interviewed, domestic violence, especially in indigenous communities, that often leads to femicide, is rarely spoken about and the coverage in the media is almost non-existent. Therefore, the problem persists (Appendix G, J). In the words of human rights defender, Norma Cruz, the gender archetypes of machismo and marianismo persist and minimise people´s reactions to VAW *“I think that in Guatemala, we have been educated in such a way, men believe that women are their belonging, an object they acquire, and they can do with it what they want. And women, we have been educated to accept that violence… that this is our destiny, that is the way God wants it, and because that is the way society has established it”* (Bowman, 2011). Most of the organisations interviewed agree that VAW is seen as something normal in Guatemala. According to Sobrevivientes (Appendix E) this is especially true for indigenous women, which is likely to make them report the cases less than ladina women. Thus, there is much uncertainty around the numbers of indigenous women who fall victims to femicides for several reasons; language barriers, social stigma, fear of punishment and the general acceptance of domestic abuse (Yan, 2014, appendix E,F, J). The GGM also support the general belief that rates of femicide may be even higher than reported (Musalo, Bookey, 2013). Furthermore, according to most organisations interviewed, all women do not have access to the various authorities the prevent femicides that the Guatemalan state has set up.

Moreover, in the words of CONAMGUA, who utilise an important dichotomy in their discourse on the problems of implementing the LAF to prevent the occurrence of femicides in Guatemala “*a law is a dead law when it is only written and it does not bring about the guidelines to give it life and make for positive results”* (Appendix B) point to important aspects of the problematique. Here clear death/life binaries can be noted, which implies that these basic, crucial matters are at stake when the LAF is not implemented to a sufficient extent.

Lastly, Lagarde points out that in the majority of the cases feminicides are committed by men that are in categories of social, economic, political, sexual and ideological supremacy while the women are in conditions of inequality, subordination, exploitation and, particularly, in exclusion (Lagarde, 2006). But another important fact to keep in mind is also this prevalent normalisation of violence affecting both men and women in Guatemala.

## How could the harmful aspects of these representations of femicide be questioned, disrupted and replaced by Guatemalan women´s rights organisations?

In this last question of the analysis, the goal is to analyse the contestation by the 12 organisations I have interviewed for this paper, which makes up the bulk of my primary data. This is done in order to discuss the important question of how the problem of femicide could be seen differently and on which points the organisations interviewed disagree and agree. Furthermore, a key component of this question is also seeking new ways of representing femicide both in the general population, but also in the media. It also has to do with challenging existing damaging representations of femicide in Guatemala and to discuss how to offer alternatives to these in a bottom-up perspective.

First, I would like to emphasise that even though the women´s rights organisations agree that the passing of the LAF in 2008 constituted an important step on the path towards lowering the numbers of femicides in Guatemala, several of the organisations interviewed also point to the inefficiency of the Guatemalan state to deal with the high number of femicides, which suggest a lack of prioritising the problem on behalf of the state (Appendix A, B, E, H).

A long range of (indigenous) women´s organisations and other types of civil society groups work currently against the high number of femicides in Guatemala. They intend to raise awareness and to pressure the Guatemalan state to take better measures in order to counter the high rate of femicides. Moreover, these organisations provide support to survivors of VAW as well as educating women about their rights. Thus, it is evident that the public sphere has become an increasingly important forum for addressing a large number of indigenous women´s issues in the 21st century.

The women’s movement in Guatemala is clearly one of the strongest players and has the greatest capacity for social coordination (Tejido, Schramm, 2010). However, some studies point out that these organisations have been weakened by structural racism, which has been an obstacle to potential alliances between different sectors of civil society (Ibid). In the same vein, racism and its consequences make coordination between indigenous and ladina feminist movements difficult (Appendix H). *“The conditions and the disadvantages suffered by indigenous women are not the same as those of mestiza women, and therefore neither are the demands”* (Tejido, Schramm, 2010).

Another problem faced by these organisations is a lack of a sufficient level of financial support, according to Lily Muñoz (Appendix H). Furthermore, in 2012, the United Nations High Commissioner for Human Rights highlighted that inadequate financial and human resources and capacities, limited co-ordination between agencies and the lack of political leverage posed serious challenges to the discharge of the mandates from these organisations (UNICEF, 2013). But the organisations still play an important role in the reconstruction of both masculinities and femininities in Guatemala (Appendix H).

The Center for Gender and Refugee Studies in the US has worked intensively on raising awareness of femicide and impunity in Guatemala (CGRS, 2015). CGRS, along with most organisations interviewed recommend that beyond the creation of additional specialised femicide courts, continued trainings of justice system officials as well as improved investigatory procedures, working to raise awareness of the problem in the population is crucial (CGRS, appendix A, D, H, J).

According to Lily Muñoz, the LAF reproduces traditional gender roles in representing women as the passive and men as the active subject (Appendix H). She, or any of the other organisations interviewed has not come up with any solutions to changing the LAF or a suggestion for a revised policy strategy to address VAW.

Muñoz and other interviewees have suggested that Guatemalan government could institute a monitoring program in order to evaluate the performance of public officials in carrying out their obligations to apply the laws on VAW (Appendix H). Moreover, a system to impose disciplinary actions is recommended that includes ultimate dismissal of those who fail to apply the laws in an effective manner and without gender bias (Musalo, Bookey, 2013).

When it comes to the contestation of dominant repreentations on femicide and gender relations in Guatemala, a range of projects initiated by different civil society groups have been created in order to work against the prevalent machismo in the country, which are thought to be crucial in the work to challenge gender damaging stereotypes (Appendix H). For example, a project called “Justice for My Sister” was initiated to create spaces within marginalised communities for healing and to promote local leaders to combat VAW (Albaladejo, 2015). This project could work as an important tool in achieving gender equality, changing gender stereotypes and thereby eventually lowering the numbers of femicides.

Moreover, another project aimed at men that is worth mentioning is “Aquí Entre Hombres” (Here Among Men) which is a podcast that was launched in 2010 in order to promote gender equality at all levels of society and to endorse the construction of new masculinities free from extreme machismo (Albaladejo, 2015). How masculinity is portrayed is slowly starting to become an object of debate with for example with this project, which is crucial in igniting change (Appendix H). Thus, the awareness of alternative masculinities is growing. But according to Lily Muñoz, there is still a long way to go before true equality between women and men is achieved in the country (Ibid). According to Muñoz, there is a need to stop the victim blaming and look at reality (Ibid). This would mean putting the blame on the male perpetrators, but also realising that men too are victims of patriarchal forces in society that pressure men to live up to machista ideals that can bring about VAW (Ibid). The problem with these projects, though, is that they do not receive sufficient funding (Ibid).

Furthermore, another project worth mentioning is “The Abriendo Oportunidades” which was initiated by the Population Council in partnership with UNFPA (UNICEF, 2013). This is established on an empowerment model which encompasses peer-education, the creation of safe spaces, and networking within reach of seven Mayan ethnic groups (Ibid). It has to date engaged more than 40 rural communities in six geographic regions of Guatemala and supported more than 3,500 indigenous girls aged 8–18 (Ibid). The program’s approach is achieving transformative and sustainable change through these growing social support networks and the commitment by beneficiaries to serve as models to other girls and adolescents in their communities (UNICEF, 2013). Female empowerment has become a significant topic of discussion in regards to development and economics in many parts of the world. This approach is partly informed by feminism and employed legal empowerment by building on international human rights (UN General Assembly, 2000). This Guatemalan project is but one example of how female empowerment, in its many different aspects, can be seen as an important tool for women´s organisations as well as for state institutions in combating VAW, which also Lily Muñoz believes (Appendix H).

Also, an Argentinean photographer named Walter Astrada had a way of raising awareness about VAW in Guatemala, namely by taking photographs of battered women in order to show the severe nature of the situation in the country. According to Astrada: *“the main media has preferred not to publish them because they say they show a lot of blood. But for me that is an excuse: there are many of the photos where there is no blood and they could be used to explain the situation”* (Astrada, 2010). This brings me to the next point. All the organisations interviewed agree that the current dominant representations of femicide are harmful. Especially the mainstream media plays an important role in representing femicide in Guatemala (Appendix H). However, according to the GRHC, the media also has great potential to spread the message of women‘s rights and contribute to social justice in the country (GRHC, 2009). Thus, many organisations work to change gender stereotypes in Guatemala, and there are also government initiatives to support victims of GBV, but according to DEMI these, as well as the awareness raising programs have limited availability (Appendix G). Therefore, they do not reach enough people.

Another way of contesting the prevalent femicides in Guatemala could be through art. Popular culture as revealed in performance art in Guatemala can challenge people´s traditional views of gender roles and attitudes towards VAW (Wilson, 2014). Hence, Regina José Galindo’s 279 Golpes, in which the artist subjects herself to 279 blows with a whip, one for each woman murdered in Guatemala between January 1 and June 9 of 2005, shows that art can also foment a contestation to VAW (Ibid).

Additionally, one could ask oneself, what it would take to seriously address femicide in Guatemala. According to PhD scholar on the issue of femicide in Guatemala, Joyceen Boyle, it would take increased and genuine civic participation by women (both ladina and indigenous), more national awareness, as well as strong support and enforcement by the government, the judicial system and the national police (Appendix K). Of course it is a complex issue. However, these factors would go a long way to finally provide justice to women. But she does not see this happening in the near future (Ibid).

Most interviewed organisations agree on the fact that the law has had some effect in raising the awareness among the public on the issue. Also, the authorities have been given a tool to handle the high number of femicides, but it takes time for them to understand and utilise it which is a step forward (Appendix E, D). Most organisations interviewed, however, also claim that the LAF is not enough to tackle the complex problem (Ibid). Furthermore, the law does not address the specific circumstances regarding the racism and discrimination faced by indigenous women (Appendix F). Also, according to the ADEMI, most indigenous women do not speak Spanish and cannot therefore familiarise themselves with the LAF (Appendix J).

According to Lily Muñoz, another major problem in the fight against femicides is the lack of collaboration between civil society and state institutions in Guatemala (Appendix H). State institutions can be hugely bureaucratic, which I also experienced during the data collection for this paper, since many of them referred to me other state institutions that then referred me back to the first. Civil society organisations in Guatemala have been much more willing to cooperate and answer questions regarding this thesis, but state institutions have not wanted to contribute significantly to the data collection, apart from the DEMI, the INE and ADEMI.

Furthermore, according to Rashida Manjoo, the UN independent expert on GBV, significant challenges remain when it comes to the implementation of laws aimed at tackling this issue all over Latin America, which include: the discriminatory manner in which crimes against women and girls are dealt with by authorities, the lack of attention given to previous complaints of VAW presented by the victims, the inadequacy of criminal investigations on femicides as well as the prevalent use of mitigating circumstances to lower perpetrators´ sentences (OHCHR, 2014). Also, according to the UN, research shows that successful prevention and response tactics to violence would become more sustainable if the strategy and legal framework to ensure the safety of women are part of a comprehensive and multi-sectoral intervention (Domfeh, 2014). This supports the aforementioned claims that multiple actors (government and civil society) play important roles in lowering the number of femicides.

To conclude this section, with the answers from the organisations interviewed in mind, the solutions to the problem of femicide in Guatemala clearly need to be wide-ranging in nature in order to tackle the deep-seated patriarchal tendencies that persist in this society. Such solutions could according to Latin American human rights specialists Angelika Albaladejo and Lily Muñoz include more support for community development, continued police and justice system reforms as well as shifts in the social stigmas related to women fleeing from violence and increased economic opportunities and independence for women (Albaladejo, 2015; Appendix H).

All organisations interviewed also agree that further raising the general awareness that VAW is not normal or natural in Guatemala is crucial. Many of the organisations also mention the importance of the increased framing of women´s (both ladina and indigenous) rights as human rights, which could lead to a different representation of femicide and with that an improvement of Guatemalan women´s situation.

# Conclusion

First of all, in this paper, I set out to analyse the dominant representations of femicide on 3 levels of society: the government´s at the time of the passing of the LAF, the mainstream media representation (analysing 6 newspaper articles) and 12 interviews with different actors working against femicide.

It has become evident through the work with this paper that the fight against feminicide on indigenous women and girls in Guatemala remains a highly complex struggle that requires extensive measures on behalf of both the state and civil society to counter. Moreover, the state, the media as well as women´s organisations play important roles in changing the situation.

It has become clear that the post-conflict period (since 1996) has continued to recreate a sphere of severe female discrimination due to a series of outdated cultural norms and habits, as well as an old hierarchic pattern of gender and racial disempowerment on all society levels, and a distressing normalisation of VAW within both civil society and national institutions (Vasquez et al. 2013, Schwindt-Bayer, 2011, Kaufman 2007).

Furthermore, because of the country’s violent history towards indigenous people and the disintegration of several indigenous groups, social movement building or indigenous political representation remains very weak to non-existent (Pallister, 2013). It is therefore crucial that the international community and other influential bodies within need to keep pressure on the Guatemalan government to effectively counter the femicide wave that continues to plague the country. The first element of this to tackle will be the problem of impunity. As the Guatemalan government is in the position to act out new laws or to change discriminating penal codes, it needs to take seriously and prioritise its responsibility towards its female population in ensuring their fundamental human rights.

In the following parts I will first sum up the main points of the representations of femicide on the 3 levels I have analysed (government in the LAF, mainstream media in newspaper articles, and civil society through interviews). In the end I will also explore briefly possible ideas of how this type of research could be expanded in the future.

The main point of the analysis of the LAF from 2008 is that it clearly frames human rights as women´s rights, since it is mentioned repeatedly. This can be seen as a clear step forward according to most of the organisations interviewed (Appendix D, H, L). However, it is not enough in preventing the high number of femicides in the country (Ibid).

Additionally, the law points out 3 different types of VAW, which suggests a gradual shift in the perception of women by the Guatemalan state in recognising unequal power relations between men and women. Furthermore, in the LAF it is stated explicitly that women are protected when their rights are threatened both in the public and private sphere, which indicates the existence of a clear public-private dichotomy in the LAF. Women have traditionally been expected to remain in the private sphere, which is rejected in the LAF.

When it comes to the mainstream media representation of femicide in Guatemala it can be seen as problematic since the articles have a tendency of re-victimising the victim. Moreover, most of the mainstream newspaper articles are short and do not go much in depth with the issue, as discussed when analysing the 6 newspaper articles from 3 mainstream newspapers. Another common characteristic of these articles is their sensationalist nature. There are also clear good/bad or worthy/unworthy binaries to be noted in the construction of the mainstream media discourse. Additionally, the discrimination against indigenous women at all levels can be noted in the media´s lack of coverage of femicides against indigenous women. Furthermore, these articles are based on mere statistics and do not address the deeper, structural reasons in Guatemalan society that cause this grave problem to persist. However, the conclusions drawn from this may not be completely clear, since only 6 newspaper articles have been analysed for this paper.

The women´s rights organisations interviewed for this paper constitute a significant body of contestation against harmful, dominant representations of femicide. According to these organisations, the high rate of femicides in Guatemala is deeply rooted in a culture with a history of strong patriarchal tendencies. Most of the organisations I have interviewed also agree that the country´s violent past is one of the main causes of the high number of femicides in the country. However, they do not agree to which extent this influences the current situation regarding femicides in Guatemala. Furthermore, an important aspect of this representation of femicide is a clear dichotomy when it comes to seeing femicide in legal terms and in social/cultural terms, respectively.

These organisations work in different ways to support femicide survivors, to create awareness programs and are in many other ways seeking to lower the numbers of femicides. These efforts are crucial in slowly changing damaging gender stereotypes of machismo and marianismo and offer alternatives to traditional gender roles. Thus, it has become clear to me the potential inherent in much of civil society´s work in Guatemala. Furthermore, the fact that public sphere has become an increasingly important forum for addressing a large number of indigenous women´s issues in the 21st century, brings much hope for the future of women´s rights.

Based on the aforementioned aspects, one of the main findings of this paper include the fact that the LAF is an important step in the struggle for women´s rights in Guatemala. However, it is not sufficient. The law does not address the specific circumstances regarding the widespread racism and discrimination faced by indigenous women. Therefore, more wide-ranging solutions are needed to counter the problem. The state as well as civil society are crucial actors in changing damaging representations of femicide from both top-down and bottom-up perspectives.

Through this paper, it can be noted how VAW in Guatemala is structural violence that remains deeply rooted in social, political, cultural and economic inequalities. However, since the law was passed in 2008, small changes starting have started to show when it comes to the number of sentences for VAW (appendix E), which can provide a sense of cautious optimism. We see a slow progress which may grow in the coming years, also with the efforts of the many women´s (human) rights organisations working on the issue.

Lastly, the findings of this thesis clearly lead me to questioning whether patriarchal tendencies can change by the way of a policy in a top-down perspective or if changing attitudes need to emerge through civil society efforts in a bottom-up perspective, or perhaps a combination of the two. Clearly it has been proven until now that the toxic cocktail of impunity, extreme discrimination against (indigenous) women and the legacy of civil war cannot not be solved by written laws alone. Only the future can tell what will happen in Guatemala.

# Global reflections

## The potential of transnational feminism in ending femicides

Transnational feminism is a contemporary feminist paradigm. There is great potential in transnational feminism since human rights and race are major foci of most transnational feminist groups. Preventing damaging representations of femicides through transnational feminist mobilisation could be a relevant area of further investigation and the way social movements against femicide can learn from experience from other areas of the world in the common struggle to put an end to the terrifying phenomenon. Another aspect of relevance in this regard is the potential in the pressure from the international community to change Guatemala´s existing laws to protect women better and make the state allocate sufficient funds to preventing femicides. According to Ackerly and Okin, globalisation can be seen as promoting antidemocratic tendencies (Ackerly, Okin, 1999). But some aspects of globalisation present new opportunities for democratic participation and for ideas to be spread fast at all levels of society (Ibid). This means that feminist organisations in Guatemala may learn from the dissemination of knowledge from elsewhere in preventing femicides.

Also, Guatemala´s neighbouring countries´ experiences with different measures against femicide would be a relevant area of further research. According to the Council on Hemispheric Affairs, in El Salvador they face similar problems with femicides in suggesting that these murders are a direct result of the overwhelming disregard for state and local legislation to improve the safety of women (Domfeh, 2014). Another example could be Nicaragua that has a very low murder and femicide rate, but is in many ways similar to Guatemala. This could be due to the fact that Honduras, El Salvador and Guatemala all have used “Mano Dura” or Iron Fist policies to clamp down on crime and gang culture, whereas Nicaragua has developed a different, more community based approach.

## The Central American “refugee crisis”

Another related problem that has been discussed briefly, but that could not be analysed in depth in this thesis, is the many types of violence women face when they migrate to the north in order to escape the rampant VAW in Central America. Many women flee north to the extent that it can be named another refugee crisis *“Unable to secure state protection, many women cited domestic violence as a reason for flight, fearing severe harm or death if they stayed (…) The dramatic refugee crises we are witnessing in the world today are not confined to the Middle East or Africa,” (…) We are seeing another refugee situation unfolding in the Americas“*(Reuters in the Guardian, 2012). This has generated a whole new type of immigrants that seek to escape the many types of violence they suffer in Central America. However, often they cannot be guaranteed asylum in the US. In my view, more extensive research in the complexity of the gendered implications of this so-called refugee crisis is needed. In connection with this, it would be relevant in this regard to look at the role of the US in this complex problematique.

## Racism and femicide

Another perspective I wish to mention here is the complex interactions between racism and femicide, which has only been touched upon superficially in this paper. This aspect could constitute a vital area of further research, since I find it crucial to acknowledge the multifaceted, compound effects of racism and misogyny on women from ethnic minorities (although in the Guatemalan case, Mayan people could be considered a majority).

## Hegemonic masculinity and machismo considerations

The last area of further research that I would like to take up briefly could be how extreme machismo or hegemonic masculinity affects all genders in Guatemala. Thus, masculinity aspects could also have been considered more in depth in order to move away from the victim-blaming and to analyse how machismo or hyper-masculinity is very dangerous to women as well as men. It could also be relevant to study the hierarchy of masculinities that exist in Guatemala and how these ideals could be considered harmful in different ways. The structural patriarchal forces behind the perpetuation of these crimes would also be relevant to look into more in depth in order to analyse how these damaging ideals could be changed.

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## Answers from women´s organisations

## Appendix A

SOS Mujer

1. Cuáles son las causas de la gran cantidad de feminicidios en Guatemala, especialmente de las mujeres indígenas?

Los femicidios en Guatemala en su gran mayoría son causados por un orden patriarcal que discrimina a las mujeres, la sociedad guatemalteca, como muchas en el mundo, son androcéntricas y machistas. El odio a las mujeres que se legitima bajo un estigma de discriminación y el no reconocimiento de las mujeres como seres humanas con derechos, hace que sufran violencia en sus diferentes manifestaciones. Esta violencia continuada produce los femicidios. La cultura que se ha legitimado a partir del patriarcado y sus múltiples categorías de representación, es de menosprecio hacia las mujeres, desde dichos, chistes, costumbres, tradiciones, etc. Hacen que la discriminación hacia las mujeres sea más fuerte, además, que se le vea como un objeto o menos que los hombres.

La violencia contra las mujeres, violencia sexual y femicidio no son exclusivas de un grupo etario, geográfico, de cierta clase social y étnico. Este es un fenómeno precisamente porque afecta a todas las mujeres. En el caso de las mujeres indígenas, la falta de oportunidades, de garantías por parte del Estado en políticas públicas, ya es considerada una violencia estructural, tienen menos acceso a la salud y educación, sobre todo las que viven en las áreas rurales más alejadas de las cabeceras departamentales y de la capital. No tienen acceso a la tierra, tampoco a la vivienda.

Ellas como las mujeres mestizas tienen menos accesos y viven también en hogares machistas, que ven la violencia como algo “natural y normal”

Otro de los aspectos que produce los femicidios es precisamente el ciclo de violencia en el que viven, así como también, en algunos casos la dependencia económica. Ambas situaciones no permiten que las mujeres salgan de ese ciclo, por lo cual, viven violencia sistemática hasta la muerte.

2. Cómo es representado el feminicidio por varios actores en Guatemala? Cómo surgió esta representación?

Después de tantos años de lucha por parte de grupos organizados de mujeres en Guatemala, se crea la Ley contra Femicidio y otros tipos de Violencia contra la Mujer. Al contrario de México y el Salvador, en Guatemala es Femicidio, no feminicidio. El concepto se acorta y se enfoca a partir de la violencia continuada hacía las mujeres y el matarlas por el simple hecho de ser mujeres. Esta nueva ley hace que se reconozca la violencia contra las mujeres en cuatro manifestaciones: física, psicológica, económica y sexual. Asimismo, desde su creación, año 2008, únicamente se acuña el término femicidio.

Específica que los actores que lo cometen, en su mayoría son las parejas o convivientes de las mujeres, pero pueden ser, vecinos, amigos, ex parejas que cometan este delito por las razones ya explicadas.

3. Cuáles son los efectos de La Ley contra Femicidios del 2008?

Es preciso reconocer que existe una ley pero que continuamente se encuentra en un versus la cultura de la sociedad guatemalteca y los aspectos socioeconómicos y políticos de las mujeres guatemaltecas. En primer lugar, no existe por parte del Estado garantías para las mujeres, ni políticas públicas claras que cambien un paradigma patriarcal sobre la violencia. La perspectiva de género todavía es poca en las instituciones estatales, el imaginario social sigue siendo machista, discriminativo, sexista para las mujeres guatemaltecas.

Por lo cual, hay efectos positivos y negativos, con la correcta aplicación de la ley se previenen de forma terciaria las casos de violencia. En segundo lugar, la ley todavía es cuestionada por la población y por los mismos operadores de justicia. Es ahí precisamente en donde nos referimos a lo legal vrs. Social, cultural y político. Sin embargo, se han tienen avances, puesto que gracias a esta ley se cuenta con justicia especializada para las mujeres.

La creación de Fiscalías de la Mujer del Ministerio Público, con el Modelo de Atención a la Víctima. Los Juzgados y Tribunales de Femicidio que tienen el Sistema de Atención Integral. Las Oficinas de Atención a la Víctima de la PNC. Estas entidades, han contribuido a una mejor atención victimológica y también a la investigación y persecución penal de los delitos contra mujeres. La limitante que tienen estas entidades, es que no se encuentran en todo el país.

4. Cómo puede cambiar la representación del problema?

Para cambiar la situación de las mujeres, se necesita un cambio de imaginario social y de paradigma. El Estado tiene una obligación seria para crear políticas públicas a favor de los derechos de las mujeres, sobre todo para que vivan libres de violencia. Asimismo, las organizaciones de sociedad civil son clave mediante la auditoria social que realizan, pueden exigir a las entidades que cumplan con tratados, convenciones y leyes que corresponden. El femicidio disminuirá si se reconocen y garantizan los derechos de las mujeres.

Es difícil cuando se habla de cambiar un imaginario, puesto que toda la sociedad legitima los cambios o bien el status quo, en una sociedad netamente androcéntrica es nadar contra la corriente, más no imposible. Por lo cual, es tarea del Estado, sociedad civil y población en general cambiar un sistema patriarcal por más perspectiva de género, para ello, las estrategias deben ir encaminadas a brindar una educación diferente para todas y todos, acceso a igualdad de oportunidades, y sobre todo a identificar que la violencia no es normar, no es natural y no se justifica.

5. Son las mujeres indígenas especialmente afectadas? Cómo?

Como se explicó anteriormente, la violencia contra las mujeres y femicidio atraviesa etnia, clase y edad, no corresponde a un grupo nada más, puede ser que por las situaciones de vulnerabilidad de ciertos grupos, esta se acentúe, este podría ser el caso de las mujeres indígenas, quienes pueden sufrir más de violencia estructural e institucional, por ejemplo.

6. Cuáles son los aspectos silenciados del tema?

La no denuncia de las mujeres por distintas razones, en el año 2014 se registró que únicamente el .45% de las mujeres denunciaban, en el año 2015 en el Ministerio Público se registra que el delito más denunciado es la violencia contra la mujer, pero no significa que todas las mujeres denuncien.

Que una mujer hable de su situación todavía es un tabú, la sociedad mantiene un status quo sobre el deber ser de las mujeres, se mantienen estigmas, prejuicios sobre el accionar de las mujeres tanto en el área rural como urbana, así como en mujeres indígenas y mestizas. La ley sigue siendo cuestionada y los femicidios también.

## Appendix B

CONAMGUA Guatemala

1.-El machismo predominante en el área rural la falta de educación y seguridad sexual.

2.-Por el alto indice de incidencia en el tema.

3.-Tiene un auge muy importante ya que año con año se le da más espacio y se instruye mas a la población de denunciar los abusos.

4.-Dando acompañamiento a las personas afectadas y haciéndoles conciencia de que la denuncia de este problema dará la pauta para combatirla ya que ante la ignorancia de los sucesos no se puede actuar.

5.-Hay un gran porcentaje de Indígenas pero no solo ellas son afectadas hay una gran parte de ladinas que no denuncian y son violentadas con este flagelo.

6.-Las soluciones al problema son muy pocas ya que existen estadísticas, presentación del problema pero no hay seguimiento ni tampoco acompañamiento una ley es ley muerta cuando solo esta escrita y no se llevan los lineamientos que le dieron vida y hacer que se vean resultados positivos.

7.-Es solo una nota amarillista en la que se toma como un reportaje mas que se olvida con la siguiente noticia no se le da seguimiento ni se estudia el porque, cuando y donde y si volverá a ocurrir, tampoco hay investigación del porque se dio el el estudio forense es deficiente ya que no se toman las huellas no hay base de datos de los agresores anteriores ni tampoco no se toman evidencias si las hay para dar seguimiento al estudio de lo que sucedio.

 Se que todo esto tiene un costo y tanto el proceso de investigación como el manejo de pruebas tiene un costo elevado por el alto indice de violencia que vivimos en nuestro país

Hay otros flagelos como la desnutrición, la falta de educasion, la falta de empleo, etc que inciden en que no se tome cartas en este asunto y el proceso de búsqueda de la verdad se quede en el limbo.

Espero que con estas respuestas pueda ayudar a tu investigación.

Atentamente

Elizabeth de Del Vecchio

## Appendix C

Grupo Guatemalteco de Mujeres (GGM)

Hola, mi nombre es Rebeca Lirrayes tengo a mi cargo el Centro de documentación de la Organización Grupo Guatemalteco de Mujeres GGM,

a continuación daré respuesta a sus preguntas

1.- nosotras utilizamos mas el término femicidio y no feminicidio

2.- las causas de las muertes violentas de mujeres son las mismas, por el sistema patriarcal, por ser mujer

3.- si han llegado algunos casos a tener sentencias condenatorias

4.- el problema es estructural, social y cambia poco a poco aunque no como se quisiera, es decir, aparentemente ha aumentado la violencia en contra de las mujeres, esto se da, porque al conocer mas mujeres que existe una ley a favor de la mujer, han aumentado las denuncias.

5.- de enero a septiembre-2015 van 518 mujeres asesinadas violentamente

6.- no hay una estadística específica que disgregue las muertes violentas de mujeres indígenas o mestizas

7.- los medios de comunicación si le dan cobertura a la problemática

## Appendix D

Grupo de Apoyo Mutuo (GAM)

1.Cuáles son las causas de la gran cantidad de feminicidios en Guatemala, especialmente de

las mujeres indígenas?

Son diversas las causas del feminicidio en Guatemala, sin embargo, desde nuestro punto de vista creemos que una de las grandes causas es la conflictividad que vive el país y que sigue estando representada en los

problemas históricos de la nación. La conflictividad agraria, la defensa de

recursos naturales, el desempleo, la pobreza y la desigualdad social provocan

que todos los ciudadanos sean víctimas de violencia estatal y violencia criminal.

Sin embargo los grupos más vulnerables del país son quienes siguen siendo

afectados por la violencia. El sector femenino indígena es seriamente afectado

por la violencia que a todos los niveles vive Guatemala.

2. Cómo es representado el feminicidio por varios actores en Guatemala? Cómo surgió esta

representación?

Es difícil determinar en varios actores, nosotros podemos dar nuestra opinión

sobre los medios de comunicación escrita, que son los recursos que más

utilizamos en nuestros informes de violencia.

En verdad es triste la forma en que se representa el feminicidio en los medios de

comunicación escrita de Guatemala. Actualmente los periódicos de mayor

circulación son aquellos que dan prioridad a la nota roja, la nota de violencia

acapara la mayor atención de los lectores guatemaltecos.

Es necesario mencionar que este tipo de periódicos se destacan por presentar

notas periodísticas diminutas, dando prioridad a las fotografías explicitas de

violencia.

Así el panorama podemos destacar que la representación que se tiene del

feminicidio en los medios escritos de Guatemala se desarrolla en función de

factores como: 1) Describir a la mujer como un objeto, atendiendo a lo explicito

de los relatos sobre los métodos utilizados para dar muerte a ésta; 2) La mujer

como propiedad del hombre atendiendo a la relación familiar o de conviviente

con un hombre; y 3) El tratamiento de la nota desde una perspectiva pasiva del

rol de la mujer en los hogares guatemaltecos.

3. Cuáles son los efectos de La Ley contra Femicidios del 2008?

Actualmente hemos visto un incremento en las sentencias judiciales contra

delitos de femicidio y otras formas de violencia contra la mujer. No podemos

dejar de reconocer el avance en el tema judicial respecto a las sentencias y los

juzgados especializados en femicidio, puesto que esto ha permitido que la

población femenina acuda con mayor confianza a las instituciones encargadas

de impartir justicia.

No obstante, es necesario que se siga trabajando en los Centros de Atención

Integral a Mujeres Sobrevivientes de Violencia –CAIMUS-, puesto que las

instituciones estatales que trabajan en temas de género han sido afectadas con

disminuciones presupuestarias, lo que obliga a disminuir la cantidad de

personas atendidas en dichos centros.

Además se debe trabajar más fuerte en el tema preventivo, y no solo en el

judicial. Actualmente se carece de campañas informativas que permitan

sensibilizar a la población masculina sobre los alcances y repercusiones de

ejercer cualquier violencia de género.

4. Cómo puede cambiar la representación del problema?

Es difícil poder decirlo, nuestra sociedad necesita de mucha educación para

poder comprender este tema. Todos los ámbitos de la sociedad necesitan ser

educados en el tema, la sociedad guatemalteca se encuentra inmersa en una ola

de violencia que repercute a nivel de difusión de noticias. Cada día aumenta más

el morbo por la nota roja, las fotografías y videos más explícitos de la violencia.

El problema adquiere otro panorama porque los medios de comunicación que

mayor difusión de este tipo de noticias hacen, son los que mayor audiencia y

ganancias poseen y mientras esas ganancias continúen alimentándolos, será

muy difícil poder cambiar la representación actual del feminicidio en los medios

de comunicación.

5. Son las mujeres indígenas especialmente afectadas? Cómo?

Todas las mujeres guatemaltecas son afectadas, sin embargo con las mujeres

indígenas hay una malicia de invisibilizar ese problema. El rol de las mujeres

indígenas en Guatemala ha sido históricamente ligado a la administración del

hogar, la crianza de los hijos y actividades propias de cuidados domésticos.

La preferencia hacia el hombre llega al punto de que los niños son los que tienen

acceso a educación mientras las niñas deben desde temprana edad aprender a

administrar su hogar.

Para nosotros la situación no cambiara hasta que hayan esfuerzos del Estado

enfocados a educar a las niñas y niños por igual, de esa manera habrá mayores

oportunidades de empoderar mujeres educadas que puedan ir marcando el

camino hacia una sociedad más educada respecto a las grandes diferencias que

marcan las relaciones de hombres y mujeres.

6. Cuáles son los aspectos silenciados del tema?

En general el panorama complicado de la mujer en el país, todavía como

sociedad no hemos llegado a comprender las grandes diferencias que marcan la

vida de una mujer y la de un hombre. Guatemala es un país con una cultura

eminentemente machista, por lo que las relaciones desiguales de poder se

encuentran enraizadas en toda la población, pero especialmente en el área rural

donde prevalece con mayores rasgos de patriarcado.

Todavía son vistas con desconfianza y hasta con tonos de burla las luchas por la

igualdad de género en el país, y eso aunado a la violencia imperante hace cada

vez más difícil obtener una concientización de todos los sectores del país.

7. Cómo es representados por los medios de comunicación?

Creemos que esta parte la abordamos en la pregunta número 2.

## Appendix E

Fundación Sobrevivientes

En Guatemala el femicidio está definido dentro de la ley Contra el Femicidio

y Otras formas de Violencia contra la Mujer (decreto 22-2008). Ley producto

de una lucha por derribar el muro de impunidad alrededor de estos hechos de

violencia contra la mujer.

Obviamente hubo discusión acerca de si correspondía utilizar el término de

feminicidio o bien de femicidio. Cada uno refleja un enfoque sobre el rol del

Estado y la situación de la víctima (mujer) y victimario. Esto se zanjó

partiendo de que era necesario contar con un instrumento legal, dado que las

implicaciones de la adopción del término feminicidio hacían cuesta arriba el

consenso y aprobación de la ley, que era muy necesaria.

Se define, en la ley, que el femicidio se manifiesta en el marco de una relación

desigual de poder entre hombres y mujeres. Por lo que no toda muerte violenta

de mujer puede ser considerada como un femicidio.

A partir de la creación de este instrumento de ley surgen condiciones para que

el Estado asuma con más propiedad el esclarecimiento de la muerte violenta

de mujeres. El cambio no fue inmediato, pero hay transformación en la

situación. Actualmente contamos con una Fiscalía de la Mujer en el Ministerio

Público, Tribunales especializados de Femicidio y otras formas de violencia

contra la mujer, con protocolos y regulaciones para atender a víctimas

(mujeres, niñas y adolescentes víctimas de violencia). Se ha sensibilizado a la

opinión pública en cuanto a combatir la violencia contra la mujer. En este

enlace podrá conocer más información de este punto:

http://www.oj.gob.gt/secretariadelamujer/

http://www.oj.gob.gt/index.php?option=com\_content&view=article&id=274&

Itemid=92

Aún falta camino por recorrer pero hemos salido del ciclo de impunidad en

que muchas veces quedaban las muertes violentas de mujeres y los femicidios.Parte de ese camino es lo concerniente a la atención que el Estado debe dar a

la violencia contra la mujer que pertenece a alguno de los pueblos originarios,

maya, garífuna y xinca. La mujer que pertenece alguno de estos pueblos

afronta una triple barrera, por ser mujer, por su condición de pertenecer a

algún pueblo originario y por la misma situación de pobreza.

Esto se refleja en que actualmente en datos sobre las muertes violentas de

mujeres no se contempla la variable de pertenencia étnica en los reportes que

se publican.

No contamos con dato de pertenencia étnica de las mujeres víctimas de muerte

violenta.

En el sistema judicial si se asume que es necesario hacer visible la variable de

etnicidad. Se prevé la existencia de intérpretes para entrevistar a las víctimas,

divulgar información en el idioma nativo de la agraviada, en fin, pero

realmente no se ha atendido de manera adecuada el asunto de la etnicidad

sobre todo hacia la mujer.

Hay pocos estudios y análisis al respecto. No podría aventurar alguna

hipótesis para explicar esta situación.

Actualmente la proyección para el año 2015 del Instituto Nacional de

Estadística sobre la población, partiendo del censo general del año 2002, es:

8,272,469 – mujeres, y

7,903,664 – hombres

Haciendo un total de 16,176,133 habitantes en la proyección de INE para el

año 2015. Advierto que son datos no confiables pues parten de un censo que tiene 13

años que se efectuó. Con esos datos, para año 2015, hemos elaborado una tasa de muertes de

mujeres asociadas a hechos criminales en investigación por 100 mil habitantes

mujeres: 6.7 En tanto para los hombres es de 47 muertes sujetas a investigación por 100 mil

habitantes masculinos. Los datos de muertes asociadas a hechos criminales en investigación tanto de

hombres como de mujeres proceden del Instituto Nacional de Ciencias

Forenses, que otorga ese estatus (muerte sujeta a investigación) luego de hacer

la necropsia de ley a un cuerpo para determinar causa de muerte.Sobre cómo las mujeres mayas son afectadas en el tema de la violencia hacia

la mujer y el femicidio, le comparto que según los mismos datos de denuncias,

por algún hecho de violencia contra la mujer, en el Ministerio Público para el

año 2014 los departamentos de Sololá y Totonicapán, con una fuerte presencia

de población indígena maya, son los que menos casos presentan (Ver gráfica

al final)

Lo cual se puede interpretar como un fenómeno dónde la mujer indígena

tiende a naturalizar la violencia en su contra, como algo que es parte de su

condición de mujer y de su cotidianidad. En las comunidades de estos

departamentos, con presencia indígena maya, se habla muy poco de la

violencia hacia la mujer pero si de otro fenómeno como el del alcoholismo en

el hombre. Situación que enmascara los abusos, maltrato y violencia de que

hace víctima el hombre (por lo general) a la mujer de su entorno.

Llama la atención que en la gráfica indicada, entre Sololá y Totonicapán se

ubica el departamento de Zacapa con una cantidad de denuncia igualmente

baja por hechos de violencia contra la mujer. Este departamento

históricamente se ha destacado por una fuerte manifestación de conducta

machista y misógina.

Es importante destacar que a la par del dato de denuncia existe el dato de

sentencias emitidas por tribunales competentes atendiendo a algún proceso

penal por violencia hacia la mujer (física, sexual, femicidio, psicológica,

económica) Es baja la cantidad de sentencias si se compara con la cantidad de

denuncias pero comparado con años anteriores la tendencia es positiva, es

decir se ha avanzado.

Al final le comparto gráfica con datos de muertes asociadas a hechos

criminales en investigación para el año 2014 para que tenga alguna referencia.

## Appendix F

Mujeres Tierra Viva

Cuáles son las causas de la gran cantidad de feminicidios en Guatemala, especialmente de las mujeres indígenas?

La figura legal en Guatemala es el femicidio, y se comprende como la muerte violenta de una mujer, ocasionada en el contexto de las relaciones desiguales de poder entre hombres y mujeres, en el ejercicio del poder de género contra de mujeres.

Para comprender la violencia contra las mujeres indígenas en Guatemala es necesario ir a las raíces o las causas que la originan. Inicialmente, durante el conflicto armado interno fueron las mujeres indígenas un botín de guerra, donde el cuerpo y sexualidad de ellas era la forma de vengarse de los enemigos, donde fueron esclavizadas, donde muchas de ellas quedaron embarazadas y obligadas a llevar a término sus embarazos.

Si bien el conflicto armado interno finalizó “formalmente” con la firma de la paz en 1996, la violencia tuvo un continuum, disfrazándose de otras maneras. Antes, esa violencia no era vista, denunciada, publicada o registrada. Muchas de ellas murieron, enterradas en tumbas clandestinas y poco a poco se han ido localizando, siendo entregados sus cuerpos a familiares, para que les den cristiana sepultura.

De las mujeres que lograron sobrevivir, algunas han tenido que sobrellevar lo vivido, muchas de ellas no han hablado todavía de ese pasado, algunas tuvieron oportunidad de hablarlo, muy pocas de accesar a terapias o servicios psicológicos. Y las que quedaron embarazadas, como producto de las violaciones, parieron, asumiendo responsabilidades de un embarazo no deseado, muchas veces aisladas por la misma familia o comunidad, haciéndola responsable de lo sucedido y en el peor de los casos, asumiendo una maternidad en una comunidad donde el agresor fue un vecino, alguien de su misma aldea, caserío o comunidad.

Algunas buscaron interrumpir los embarazos, en sitios inseguros, poniendo en riesgo su salud y sus vidas, muchas no lograron sobrevivir a este proceso.

Cómo es representado el feminicidio por varios actores en Guatemala? Cómo surgió esta representación?

Como Movimiento Feminista hicimos una propuesta de Iniciativa de Ley, basada en la Convención Belem Do Pará, sin embargo, el Congreso de la República le recortó 20 artículos, que penalizaban la violencia contra las mujeres y aprobó la Ley para Prevenir, Sancionar y Erradicar la Violencia Intrafamiliar, cuyo objetivo primordial era reconciliar a la víctima con el agresor, con el objetivo de mantener la familia.

La Ley funcionaba dando a las mujeres medidas de seguridad, obligando a las mujeres a vivir con sus agresores. Muchas de ellas regresaban a denunciar nuevamente y al agresor reincidente no se le castigaba. Las mujeres morían con las medidas de seguridad en sus bolsos, dejando a sus hijos en orfandad.

La estrategia del Movimiento era sensibilizar a las mujeres, apoyándolas o refiriéndolas para denunciar, tratando de organizarlas para que tuvieran un respaldo político frente a las autoridades del sistema de justicia. Sin embargo, los niveles de impunidad seguían sin parar. Al lado de este proceso, se trabajó con reporteros y columnistas para que publicaran la realidad que estaban viviendo las víctimas. Esto obligó a las autoridades encargadas a ir registrando y reconociendo que la violencia contra las mujeres era un delito, que aunque sucediera en el ámbito privado, se debía castigar como un delito. Y fue ahí, donde se apoyó una iniciativa de ley para elevar una iniciativa de Ley que tipificara todos los tipos de violencia, surgiendo la Ley contra el Femicidio.

Cuáles son los efectos de La Ley contra Femicidios del 2008?

Para que se pusiera en práctica esta Ley el sistema de justicia tuvo acceso a procesos formativos, con los cuales fueran comprendiendo las definiciones utilizadas y las pusieran en práctica.

Con la Ley se esperaba que no solamente que se elevara el número de denuncias sino también que los casos tuvieran acceso a la justicia.

Si bien la sociedad civil vio en la Ley un instrumento de derechos humanos, la misma no estaba siendo puesta en práctica por los jueces, teniendo que hacerse varios ejercicios de revisión de algunos casos, donde se tenía plena conciencia que eran de femicidio, mientras ellos alegaban que no veían la misoginia.

Para enmendar esta situación tuvo que pasar un buen tiempo (me atrevo a decir años). Teniendo el Estado que buscar una forma en la cual la Ley funcionara, se pusiera en práctica y se hiciera justicia. Fue así que se iniciaron a crear Juzgados Especializados, donde se empezaron a dar sentencias condenatorias por el delito de femicidio.

Aún con la apertura de los Juzgados, hay casos que no acceden a justicia. Lamentablemente dichos Juzgados no existen en todo el país y las mujeres no tienen recursos para hacer un proceso tan oneroso como este. Asimismo, porque no hablan español, sino únicamente su idioma materno, con lo cual sus demandas no son comprendidas en su totalidad.

Una de las mayores debilidades del sistema de justicia es la poca inversión en investigación, lo que hace que muchos casos no terminen en condenas, sino en absoluciones.

Durante un año tuvimos la oportunidad de hacer un Observatorio en Violencia sexual y femicidios, determinado que en algunas resoluciones los jueces dictaminan en base a sus creencias religiosas que en la misma Ley contra el Femicidio. Por ejemplo, un caso en donde una joven fue violada por varios hombres, la Resolución decía que si bien se había determinado que hubo violencia sexual, según dictamen del Instituto Nacional de Ciencias Forenses (Inacif), sin embargo, que la joven no era virgen, por lo que los hombres que la violaron no tenían que ir a la cárcel.

Como este caso hay otros que quitan credibilidad en el sistema; donde muchas personas creen que los jueces se venden con los agresores para desestimar pruebas; donde las denuncias aumentan cada año, pero las sentencias por lo contrario no son las que se esperan.

Así hemos podido constatar que cada año los femicidios aumentan, que podrían reducirse si el sistema funcionara, si la Ley fuera puesta en práctica, si los agresores reincidentes fueran detenidos y rindieran cuentas ante el sistema de justicia, si la sociedad no viera como normal la violencia y se hubiese cero tolerancia hacia una violación a los derechos de las mujeres a tener una vida digna.

Cómo puede cambiar la representación del problema?

Haciendo investigaciones científicas

Teniendo voluntad política de aplicar la Ley

Reconociendo que las mujeres son sujetas de derechos

Dejando de asumir que la violencia es normal y por lo tanto se rechace su tolerancia

Aplicando justicia

Son las mujeres indígenas especialmente afectadas? Cómo?

En las regiones donde trabajamos las Boletas de Atención no consideran ningún apartado para preguntarle a la mujer si son indígenas, desdibujando su identidad.

Durante el ejercicio realizado por un año en el Observatorio (antes mencionado) le comentamos al Secretario de un Juzgado que estábamos contentas que las mujeres indígenas chortís no sufrieran violencia y la respuesta fue que sí la vivían y en gran manera (considerando que no habían tenido acceso a la educación, no conocían las leyes ni estaban empoderadas de sus derechos) con lo cual se vulneraban más sus derechos… cuando le dijimos que ninguna boleta constataba que eran indígenas y las estadísticas estaban en cero (0), lamentó mucho una omisión… Omisión que por años las invisibilizó de vivir violencia y ser parte de femicidios.

Si durante el Conflicto Armado Interno las mujeres indígenas vivieron atrocidades… ahora con una Ley como la que tenemos, la invisibilización es oficial. Agudizando más el problema, que no se resolverá mientras el racismo y la discriminación sea parte de la vida diaria de Guatemala.

Cuáles son los aspectos silenciados del tema?

Violencia sexual, embarazos forzados, abortos clandestinos, muertes maternas

Muertes silenciadas

Cómo es representados por los medios de comunicación?

Los que son amarillistas dicen que la mujer vestía corte indígena, más no hacen otro tipo de connotación. Si alguno las nombra es porque la estadística oficial llega en un momento a mencionarlas (ante la presión del Movimiento Feminista, que ha demandado estadísticas desglosadas por sexo, edad, etnia, etc).

Con las nuevas autoridades que asumirán el 14 de enero de 2016 tendremos nuevos retos

Considerando que son personas conservadoras y fundamentalistas a nivel religioso, lo que no apoyará el avance de los DH de las mujeres y donde las feministas no somos bien vistas.

La lucha continua y definitivamente tendremos que pedir nuevas energías de las Diosas.

Si puedo apoyarte en algo más, me dices

Hasta pronto

Evelyn Morales Pineda

## Appendix G

Defensoría de la Mujer Indígena (DEMI)

1. ¿Cuáles son las causas de la gran cantidad de femicidios en Guatemala, especialmente de las mujeres indígenas?

 Los femicidios en Guatemala, es resultado de la existencia de una sociedad machista, que considera a la mujer como un objeto, que no puede decidir por su vida, sus decisiones, etc.Los femicidios en Guatemala con el extremo de la violencia ejercida contra las mujeres en Guatemala. En relación a mujeres indígenas, tomar en cuenta que aún se hacen esfuerzos para el registro correcto de las mujeres indígenas ante una situación de muerte. Muchas femicidios no son denunciadas como tal, y estos quedan en el anonimato ó bien bajo otra categoría, por ejemplo muerte natural. Esto debido a que la naturalización de la violencia en contra de las mujeres indígenas es existe, la familia, las comunidades, la sociedad en su conjunto la tolera y en reiteradas oportunidades es cómplice de esa muerte al no reconocerla como femicidio o una muerte violenta ejercida por un hombre.

2. ¿Cómo es representado el femicidio por varios actores en Guatemala? Como surgió esta representación? El femicidio en Guatemala con otros delitos que deben ser considerados como un interés social y no particular, surgió como una imperiosa necesidad de legislar debido a las muertes violentadas reiteradas y que al no existir una normativa específica para este delito, se visibilizaba y eran tomados estos delitos sin tomar en cuenta el odio con el cual eran lastimadas hasta eliminarlas físicamente. Este fue un movimiento de mujeres, con representación estatal y no estatal, que tuvo frutos, establecer una ley específica denominada Ley Contra el Femicidio y otras Formas de Violencia Contra la Mujer. Al hablar de actores estamos refiriéndonos a los sujetos involucrados dentro de este delito, siendo ellos: La familia, La Sociedad, Los Órganos del Estado Guatemalteco, etc. En todos los involucrados, este tema es tomado como una simple forma de violencia, maltrato hacia la mujer con la finalidad de menoscabar su integridad haciendo una indefensión y discriminación así ellas.

3. ¿Cuáles son los efectos de la Ley contra Femicidios del 2008?

La Ley de En Guatemala se instituye la Ley contra el Femicidio y otras Formas de Violencia contra la Mujer a partir del 16 de mayo de 2008 que entra en vigencia una ley a favor de las mujeres en donde el Estado de Guatemala se compromete a reducir a través de esta ley el delito de femicidio. Dicha ley crea tres tipos penales, que son: Femicidio, Violencia contra la mujer (violencia física, sexual y psicológica), y el delito de Violencia Económica. El mayor efecto de esta Ley surge con la necesidad de establecer el sujeto activo de dicho delito para con ello establecer las responsabilidades penales por el cometimiento del delito.

4. ¿Cómo puede cambiar la representación del problema? Considero que son todas las mujeres de los cuatro pueblos coexistentes en Guatemala (Maya, Garífuna, Xinca y Ladina), sin embargo es la mujer indígena quien carece de las condiciones sociales para poder enfrentar este delito que esta naturalizado en la vida de todas y todos. El panorama cambiario, si se reconoce el delito como un asunto de interés social y Nacional (en la práctica diaria) y aprendamos todas y todos a ser responsables de la seguridad de todas y todos en este caso de las mujeres indígenas y su familia. La defensoría de la Mujer Indígena para el efecto cuenta con un Área de Atención Integral de casos, compuesta por 3 unidades 1. Unidad Social: Que da atención y asesoría primaria a todos tipo de violencia que se registre en nuestra institución, para canalizarla según corresponda. 2. Unidad Jurídica: Brinda el acompañamiento a usuarias víctimas de violencia. Par los casos de femicidio no se registra actualmente en nuestra institución, debido al silencio que deja en la familia de la víctima y el miedo a denuncia por represalia y/o amenazas por parte del agresor. 3. Unidad de Psicología: Brinda atención psicológica a niños y familiares de las víctimas para regresarlos a un entorno social agradable y sin violencia. De igual manera no se registran casos de femicidio en nuestra institución.

5. Son las mujeres indígenas especialmente afectadas? ¿Cómo?

Efectivamente porque siempre existe una brecha, lingüística, geográfica y el Estado a través de sus instituciones no facilita condiciones para que no les afecte. Así también porque la Ley en mención indica que solo se comete femicidio por la muerte violenta de una mujer, ocasionada en el contexto de las relaciones desiguales de poder entre hombres y mujeres, en ejercicio del poder de género en contra de las mujeres. Es decir que la mujer es el sujeto pasivo contra quien se comete el delito.

 6. ¿Cuáles son los aspectos silenciados del tema?

 La naturalización del ejercicio de violencia contra las mujeres, de los cuatro pueblos coexistentes en Guatemala, es el aspecto silenciador; además el desinterés en invertir en el desarrollo integral de las mujeres indígenas. Así también la desconfianza de las instancias de justicia.

7. ¿Cómo es representado por los medios de comunicación

Medios de Comunicación en Guatemala y su cobertura al tema de Femicidio de Mujeres Indígenas. En Guatemala los medios de comunicación masivos dan poca cobertura al tema de Pueblos Indígenas, especialmente en temas de violencia contra las mujeres indígenas. En los últimos años la cifra de femicidios en Guatemala ha ido en aumento, debido a factores internos y externos de la misma sociedad guatemalteca. Es preciso indicar que si bien es cierto que los medios de comunicación realizar la labor de informar y dar cobertura ante variedades de situaciones del contexto social, muchos medio se inclinan a dar cobertura en otros temas (Salud, educación, alimentación, seguridad). Cuando se tratan de temas de femicidio es posible que la misma se evoque desde la esfera general y no dando prioridad en el tema indígena. Así también cabe mencionar que existen muchas limitantes para que la cobertura e información ante este flagelo llegue a las comunidades más desarraigadas de Guatemala, en primer punto debido a que los medios de comunicación no cuentan con el mayor recursos para cubrir y tener reporteros desde los puntos donde se genera la información, segundo debido a la falta de voluntad por ciertos medios en manipular la información, recordando que este es un tema de interés nacional. Podemos concluir entonces que la cobertura es mínima en temas específicos de mujeres indígenas. La Defensoría de la Mujer Indígena realiza talleres de concientización y empoderamiento de los derechos de las mujeres, tanto para las mismas mujeres como a hombres, a manera de cambiar los estereotipos que se han transmitido de una generación a otra. Contamos con una Unidad de Comunicación Social que se encarga de divulgar las diversas problemáticas en temas de mujeres. Aunado a esto se tiene también una Unidad de Formación y Educación encargada conjuntamente a la Unidad de Comunicación Social del Coordinar programas educativos, de capacitación y divulgación de los derechos de mujeres para tratar y dar a conocer los derechos que también poseen las Mujeres Indígenas en temas de Violencia.

## Appendix H

Notes from Skype Interview with Lily Muños (CIPREVI), Oct. 26th, 2015

Para muchos guatemaltecos el término femicidio surge con la ley de 2008

Femicidio o feminicidio? Utilizo femicidio. Mexico Marcela Lagarde. Femicide was translated to feminicidio . Despertó mucha polémica. La impunidad del Estado.

Cuáles son las causas principales de la gran cantidad de femicidios en Guatemala? Una de las causas fundamentales son el pensamento, el machismo domina como ideología. No es claro en otros países, mucho control de sus cuerpos de sus vidas. No íntimo, íntimo. La esfera publica, privada. Cada vez más mujeres salen a trabajar, sin embargo hay mucha oposición masculina contra eso. Discriminación sexual en el trabajo, funciona como una forma de reducir el poder de las mujeres. Consideran a las mujeres como competición. Las mujeres son vistos como objetos. Los femicidios fuera de casa pasan por que . La violencia se ha normalizado en Guatemala.

Estás de acuerdo que los femicidios son crímenes del Estado? Por la incapacidad del Estado de salvaguardar las vidas de las mujeres? El Estado se reproduce esta problema, mucha responsabilidad . El feminicidio no es un crímen del Estado. 98% de los femicidios quedan impunes. Los jueces y los operadores de justicia no tienen formación. Persiste el pensamiento patriarchal dominante, mucho sexismo, la triple discriminación.

Qué rol juega el pasado con el conflicto y esta historia de violencia? Hay distintas interpretaciones. El femicidio no íntimo, en la esfera pública, torturadas. Miembros de ejército hacían estas crímenes. Las violencias sexuales eran widespread contra las mujeres mayas. El principal estragia era golpear al enemigo violando a las mujeres, tiene repercusiones para las mujeres de hoy, rupturas de familias y de comunidades, ellas siguen subordinadas a las hombres, algunas viven con sus perpeadores todavía. Hay una conexion historica . Han habido diferentes interpretaciones del continuum historico. Distintas expresiones de violencia contra las mujeres. CALDH entiende el continuum de la violencia conquista de la colonia, se ha repetido en distinto periodos de la historia, en la defensa de la tierra. Han habido casos de violencia contra mujeres, la violación como una arma de guerra.

Cómo es representado el femicidio en Guatemala? Por el gobierno, por los medios de comunicación, por

No se llaman femicidios, homocidios, asesinatos de mujeres, en los medios escritos los comentarios son por ejemplo la ropa, un tatuaje, tendencia de revictimizar a la victima

Cómo surgió esta representación y cómo se puede cambiarla? Las estructuras estatales son patriarchales. La ley no es suficiente, los femicidios contituan. Educar a los jueces, para que entiendan su especificidad. Hay un muro difícil. La educación es importante en formar a la nueva generación en equidad de género. Es mi esperanza. Discusión de nuevas feminidades y masculinidades, las mujeres necesitamos construír nuestra autonomía, estamos menos vulneradas. Alianzas con otras mujeres. Nuevas masculinidades más allá de la hegemónica, está empezando. La religión juega un rol importante. Guatemala es un país religioso. Han ayudado a naturalizar el pensamiento patriarcal. Los hombres tienen que ser los dueños de las casas.

Qué rol juega las organizaciones de mujeres y de mujeres indígenas? El rol de las organisaciones es muy importante. La violencia contra las mujeres es demasiado, hay 100s de mujeres pocas tienen enfoque VAW tienen pocos recursos, muchas mujeres las necesitan, las mujeres no pueden tener ayuda lawyer psychologos. El Estado tampoco da muchas oportunidades para las mujeres. Es insuficiente el trabaj que hacen. Ellas estan atendiendo. Ha habido algunos esfuerzos pero no es suficiente. TRabajos que intentan sensibilizar a la población de la violencia.

No hay cifras oficiales de femicidios en Guatemala. GGM intenta sistematizar estas estadísticas. Los estudios de femicidios es muy limitado, son muy basados en estadísticas. La mayoría de la gente habla del femicidio como algo que pasa para otras personas. El femicidio ocurre en todas clases de la sociedad. La mayor parte de las víctimas son ladinas, no hay estadisticas etnicas. 17 municipios, la mayor parte de la capital son ladinas.

## Appendix I

Departamento de Estadísticas Socioeconómicas y Ambientales

Instituto Nacional de Estadística, Guatemala

1. Cuáles son las causas de la gran cantidad de feminicidios en Guatemala, especialmente de las mujeres indígenas?

Las causas de la ocurrencia de los femicidios, es un análisis que como INE, no realizamos, pero se considera que a partir de la creación de la ley contra el femicidio y otras formas de violencia contra la mujer, Decreto 22-2008, se ha logrado obtener una estadística con información de la violencia dirigida a mujeres. (ESTA PREGUNTA SE LA PUEDE RESPONDER MÁS AMPLIAMENTE SEPREM)

Por lo que a continuación se detallan datos sobre denuncias y sentencias.

Casos de femicidios:

2011

Denuncias Ministerio público

245

Sentencias Organismo Judicial

15

2012

Denuncias Ministerio público

246

Sentencias Organismo Judicial

18

2013

Denuncias Ministerio público

300

Sentencias Organismo Judicial

41

Información desagregada por pueblo de pertenencia, lamentablemente a la fecha no contamos con ella. Ya está dentro de los sistemas informáticos de las Fuentes pero aún no lo generan.

2. Cómo es representado el feminicidio por varios actores en Guatemala? Cómo surgió esta representación? Dónde es visible?

De acuerdo al Decreto 22-2008, todas las instituciones que conozcan casos de los tres delitos nombrados en esta ley, deben reportar al INE, la información para generar indicadores. En Guatemala el delito de muertes violentas de mujeres es tipificado como femicidio (No Feminicidio) y es conocido por los diferentes actores de distinta manera:

a. Policía Nacional Civil: Conoce los casos y los clasifica como Muertes Violentas

b. Ministerio Público: Encaja los casos como Femicidio (casos en investigación aún no comprobados)

c. Instituto Nacional de Ciencias Forenses: Necropsias realizadas a mujeres

d. Instituto de la Defensa Pública Penal: Asistencia legal gratuita por casos que están siendo procesados. (apoya a la familia de la víctima en el aspecto legal de una forma gratuita)

e. Bufetes populares: son nombrados en la ley pero de acuerdo a información que nos han indicado, este tipo de casos no los conocen, sino que los remiten a donde corresponde.

f. Organismo Judicial: Femicidios, solamente cuando un caso es sentenciado se puede afirmar que es un femicidio, por lo que solamente acá se puede hacer visible un femicidio.

g. Dirección General del Sistema Penitenciario: Su función es guardar a los privados de libertad incluyendo estos delitos.

h. Secretaría Presidencial de la Mujer: se relaciona con esta información debido a que es el ente encargado de esta temática en Guatemala.

i. Instituto Nacional de Estadística: Se relaciona con estos datos por su mandato de ser el ente rector de las estadísticas en Guatemala y porque el Decreto 22-2008, en su artículo 20 indica que debe crear un Sistema de información con los datos que provean las fuentes de información.

Existen otras instituciones nombradas en la ley (Decreto 22-2008) como la Procuraduría General de la Nación, Ministerio de Gobernación y Procuraduría de los Derechos Humanos que por su competencia no conocen estos casos (femicidio).

3. Cuáles son los efectos de La Ley contra Femicidios del 2008?

Esta ley trae beneficios especialmente para las mujeres víctimas de estos tipos de violencia ya que ésta tipifica la violencia contra la mujer (violencia física, violencia psicológica y violencia sexual), violencia psicológica, y femicidio como delitos de persecución pública. (ESTA PREGUNTA SE LA PUEDE RESPONDER MÁS AMPLIAMENTE SEPREM)

4. Son las mujeres indígenas especialmente afectadas? Cómo? Cuáles son los efectos de dicha representación para las mujeres indígenas?

Como se indicó en el primer punto, información desagregada por pueblo de pertenencia, no se ha registrado en las instituciones que conocen este tipo de hechos, pero las estadísticas muestran que las tasas más bajas de denuncia son los departamentos donde se encuentran concentradas la mayor cantidad de personas pertenecientes a los pueblos mayas:

Tasas promedio por departamento donde ocurrieron los hechos por cada 10.000 habitantes. Periodo 2009-2013

Quiché = 23.9

Totonicapán = 27.4

Sololá = 29.7

San Marcos = 34.6

Lo que significa por ejemplo que hubieron en Quiché 24 denuncias por cada 10,000 habitantes

Contrariamente en los departamentos donde hay menos personas indígenas, la tasa de denuncia fue más altas, por ejemplo:

El progreso 97.8.

Los datos anteriormente mencionados son sobre denuncias de los tres delitos contemplados en el Decreto 22-2008 violencia contra la mujer (violencia física, violencia psicológica y violencia sexual), violencia psicológica, y femicidio, reportadas por el Ministerio Público.

## Appendix J

Asociación de Mujeres Ixpiyakok (ADEMI)

1. Cuáles son las causas de la gran cantidad de feminicidios en Guatemala, especialmente de las mujeres indígenas?

por no contar con información preventiva y no tener apoyo juridico, por la extrema pobreza no cuenta con recursos para defenderse no poder pagar un juridico de su caso.

2. Cómo es representado el feminicidio por varios actores en Guatemala? Cómo surgió esta representación? Dónde es visible?

para la población es escaloriante, mucha inseguridad, miedo, temor para los servicios publicos juridicos indiferente no hay recursos presupuestario para atención de casos, algunos son llevados a proceso, la mayoria queda a la impunidad.

3. Cuáles son los efectos de La Ley contra Femicidios del 2008?

la mayoria de mujeres indigenas desconocen esta ley, no hay informacilón en su idioma maya, la mayoria de mujeres indigenas son monolingues no hablan el español, por lo tanto desconocen, solo las que profesionales lo aplican en algun momento, pero dentro del proceso juridico hay mucha vurocracia no avanza el proceso ellas se desgastan dejan a medias el proceso, tambien la atencion juridica esta ubicado en lo urbano, las mujeres de la comunidad les cuenta hacer estos tramites.

4. Cómo puede cambiar la representación del problema?

un sistema pensado para los pueblos mayas en sus idiomas, jueces bilinguies para atender a las mujeres indigenas en su idioma, buen trato sin discriminación y racismo, tener oficinas o personal capacitado en comunidades rurales.

5. Son las mujeres indígenas especialmente afectadas? Cómo? Cuáles son los efectos de dicha representación para las mujeres indígenas?

las indigenas son las mas afectadas altos indices de feminicidio.

6. Cuáles son los aspectos silenciados del tema?

las relaciones matrimoniales, sentimentales, agreciones sexuales, acoso sexual de mujeres jovenes y adolescentes.

7. Cómo es representado el tema por los medios de comunicación?

mucha ausencia, los medios llegan en lo urbano no en lo rural, ademas la publicacilón no llegan en las areas rurales, por esto se cree que no hay problemas, son problemas callados y silencioso por que se trata de ser muy intimos y personales.

Berta Cúmez

## Appendix K

Email from PHd scholar Joyceen Boyle, Nov. 14th, 2015

Dear Ms. Holt Pedersen:

Thank you for your inquiry regarding femicide on indigenous women in Guatemala. I believe your best sources of information/references will be the Amnesty International (AI) publications on human rights issues in Guatemala. These are readily available on the Amnesty International website and while some of them are fairly general—many of them do contain information about violence against women. Of course, other reputable organizations also publish information on human rights in Guatemala. As a cautionary note, I do not believe that most statistics report violence against indigenous women vs Ladina women in Guatemala. As you are probably aware, statistics reporting violence against Guatemalan women and/or femicide simply report gender not ethnicity. It might be very difficult to obtain statistics or other information related only to indigenous women. But you can always try…..

Perhaps you are also aware that for many years, there has been a process occurring in Guatemala known as (I am not certain if I am spelling it correctly) “ladinoization”…wherein indigenous individuals “change” from indigenous status to ladino. I conducted my dissertation in Guatemala with indigenous families and the women often told me that they could change to ladinas when: 1) they spoke Spanish fluently; 2) they no longer carried anything on their heads (baskets, water pots); 3) they wore “western clothes”) and, 4) they no longer carried babies on their backs. So, I am saying that sometimes it can be difficult to identify “indigenous” (or ladina) women, especially in urban areas.

Persistent impunity and gender inequality are generally considered major factors that contribute to the high number of femicides in Guatemala and elsewhere in Central America. Obviously you pose a difficult question when you ask about main causes of femicide, as the context in Guatemala—rampart poverty, state terror, civil war, corruption and political instability and a host of other factors all contribute to the multiple forms of violence that now exist.

There are numerous sources on websites that describe the purpose and effects of the 2008 Law Against Femicide. I just typed in (googled) Guatemala and Femicide and was surprised at how many sources that I found. One of the sources, Guatemala’s Femicide law: Progress Against Impunity? will be particularly helpful to you. It is published by The Guatemala Human Rights Commission/USA and can be found at www.ghrc-usa.org/Publications/Femicide\_Law\_Progress Against Impunity.pdf The number of women murdered continues to rise. I believe the process of investigation, prosecution and prevention of violence against women remains very weak and ineffective. The political turmoil, drug cartels, gang violence as well as other factors has led to a government that does not function and most certainly does not protect the people. Unfortunately, it is easier to blame the victim during an investigative process and dismiss the victim as a prostitute, gang member or criminal, unworthy of investigation. This attitude is pervasive throughout Guatemalan society.

There are a number of academic texts that describe the current human rights concerns in Guatemala, including femicide. I just finished reading one that I would recommend….it is Enduring Violence: Ladina Women’s Lives in Guatemala by Cecilia Menjívar (2011, University of California Press, Berkeley). Although the text focuses on ladina women in Eastern Guatemala, the author provides an excellent description of the context of violence that is embedded in institutions and all aspects of women’s lives. I believe the framework that is described applies to both ladina and indigenous women and that you would find it helpful. I am quite certain that you can order the text from amazon.com

What would it take to seriously address femicide in Guatemala? As a start, increased and genuine civic participation by women (both ladina and indigenous), national awareness, strong support and enforcement by the government, the judicial system and the national police would go a long ways to provide justice to women. Unfortunately, I do not see this happening in the near future.

You have chosen an intriguing topic for research and study. I certainly wish you well. Please feel free to email me if you have specific questions along the way.

Joyceen S. Boyle, PhD

Central America Cogroup

Amnesty International, U.S.A.

## Appendix L

Unidad de Pueblos Indígenas e Interculturalidad (MSPAS)

1. Cuáles son las causas de la gran cantidad de feminicidios en Guatemala, especialmente de las mujeres indígenas?

Por la discriminación y el racismo que existe todavía en el contexto guatemalteco, se debe tomar en cuenta la cultura machista predominante que existen en nuestros días, a pesar de la sensibilización que ha sido dada a todos los sectores del país. Sin importar las clases sociales, estos determinantes son importantes para que se de el feminicdio.

2. Cómo es representado el feminicidio por varios actores en Guatemala? Cómo surgió esta representación?

Consideramos que esto lo puede responder la Unidad de Género de la Salud.

3. Cuáles son los efectos de La Ley contra Femicidios del 2008?

Se ha sensibilizado más a la población para tener una cultura de respeto, tolerancia, humanismo y sobre todo hacer conciencia a las personas que se debe erradicar todo tipo de violencia contra la mujer. A través de esto se han tomado medidas judiciales más fuertes sobre este tipo de delitos, además que la población ha tomado conciencia y ya no ha tenido el silencio como medio de sobrevivencia, se han hecho más denuncias y se han aplicado más las leyes, se han capacito más a las personas del organismo judicial y esto ha permitido la creación de más juzgados especializados en este tema. En el sector salud se puede observar la creación de clínicas de violencia contra la mujer para brindar una mejor atención y poder seguir el proceso debido.

4. Cómo puede cambiar la representación del problema?

Haciendo mejores enlaces con diversas organizaciones para sensibilizar a la mayor cantidad de personas, de igual manera la promoción de los derechos y las leyes específicas para la mujer, también el aporte que se da para conocer cuáles son las instancias que ayudan de manera inmediata en estos casos como es el MP, OJ, MSPAS, entre otras entidades públicas, además de organizaciones no gubernamentales.

Sensibilización a las personas que llevan este tipo de casos para no culpabilizar en un momento dado a la víctima y se puedan llevar los casos de una manera más equitativa hacia la población vulnerada de estos casos de femicidio.

5. Son las mujeres indígenas especialmente afectadas? Cómo?

No, en la gran mayoría de casos no se tiene diferenciación de etnia, ni clase social, ya que muchas son víctimas de violencia física que lleva a la muerte de las mujeres.

6. Cuáles son los aspectos silenciados del tema?

Consideramos que esto lo puede responder la Unidad de Género de la Salud.

7. Cómo es representado el tema por los medios de comunicación?

Consideramos que esto lo puede responder la Unidad de Comunicación Social

## Translations

SOS Mujer (Appendix A)

1. What are the main causes of the high number of femicides in Guatemala , especially on indigenous women?

The majority of the femicides in Guatemala are caused by a patrichal order that discriminates against women, the Guatemalan society like many in the world are androcentric and “machista”. The hate against women that is legitimized under a stigma of discrimination and the lack of acknowledgement of women as human beings with rights makes them suffer violence in its different manifestations. This continued violence produces femicides. The culture that is legitimised by the patriarchy and its multiple categories of representation comes from disparagement against women, ranging from saying, jokes, traditions etc. These make the discrimination against women stronger, furthermore, it makes them look like objects or as less than men.

The violence against women, sexual violence and femicide are not excluding groups based on age, geography, of a certain social class or ethnicity. This is a phenomenon precisely because it affects all women. In the case of indigenous women the lack of opportunities, the lack of garanties by the state in public policies, are considered structural violence, they have less access to health and education, above all those who live in the rural areas furthest away from the departmental capitals and the capital. They neither have access to land, nor a place to live.

They, just like the mestiza women have less access and they also live in machista homes, which see the violence as something “natural and normal”

Another aspect that the femicides produce is precisely the cycle of violence in which they live, just as in some cases economic dependence. Both situations keep women from getting out of this cycle which is why they experience sistematic violence until death.

1. How is femicide represented by various actors in Guatemala? How did this representation come about? Where is it visible?

After so many years of fighting on behalf of organized women in Guatemala, the Law Against Femicide and Other Forms of Violence against women was passed. Contrary to Mexico and El Salvador it is femicide in Guatemala and not feminicide. The concept is shortened and it focuses on the continued violence against women and the killing of them just for being women. This new law makes the VAW acknowledged in 4 manifestations: Physical, mental, economic and sexual violence. In the same vein, in 2008 the term of femicide is coined.

Specifically the actors that commit it most of them are husbands or boyfriends of the women, but they can be neighbors, friends, ex partners who commit this crime for the reason explained above.

1. What are the effects of the 2008 Law Against Femicide?

It is necessary to acknowledge that there is a law, but it exists in a continuum of opposition to the culture in the guatemalan society and the socio-economic and political aspects of the guatemalan women. First of all, there are no state guarantees for women, nor are there clear public policies that change a patriarchal paradigm regarding violence. The gender perpective is still weak in the state institutions, the social imagery keeps being machista, discriminatory and sexist for the guatemalan women.

Therefore, there are positive and negative effects , with the right application of the law the cases of violence are prevente in a tertiary way. Secondly, the law is still questioned by the population and by the operators of justice. That is precisely what we refer to when we say the legal vs social, cultural and political. Nevertheless, there are advancements, since with this law one can count on specialized justice for women.

The creation of Women´s Finances in the Public Ministery with the Model of Attention to the Victim. The lawyers and Femicide Courts who have the Integrated Attention System. These entities have contributed to better attention to the victims and also to criminal investigation and persecution for crimes against women. The limit these entitites have is that they are not available in the whole country.

1. How can the representation of femicide change?

 In order to change women´s situation a change in social imagery and paradigm is needed. The state has a serious obligation to create public policies that favour women´s rights, above all so that they can live without violence. At the same time, the civil society organisations are key with the social audit they perform, they can demand of the entitites that they live up to the corresponding treaties, conventions and laws. The number of femicides will decrease if women´s rights are acknowledged and guaranteed.

It is difficult when talking about changing an imagery, since the whole socity has to legitimize the changes or at least the status quo, in a society that is distinctly androcentric it is swimming against the current, but it is not impossible. Therefore, the task for the state, the civil society abd the population in general is to change a patriarchal system into one with more gender perspectives, for that the strategies should be accompanied by a different education for all, access to equality of opportunities and above all to identify the fact that the violence is not normal, it is not natural and it cannot be justified.

5. In which ways are indigenous women affected by this? How? What are the effects of this representation for indigenous women?

As explained before VAW and femicide cut across ethnicity, class and age, it does not correspond to one specific group, it can be because some groups are more vulnerable that this is accentuated, this could be the case with the indigenous women who can suffer from more structural and institutional violence, for example.

6. What are the silenced aspects of this (taboos)?

The lack of reporting on behalf of the women for different reasons in the year of 2014 only 0.45% of the women reported, in the year 2015 the Public Ministery registers that the most reported crime is violence against women, but it does not mean that all women report it.

That a woman speaks about her situation is still a taboo, the society maintains a status quo regarding what it means to be a woman, stigmas are maintained, predujices against women´s actions both in the rural and urban areas, both regarding indigenous and mestiza women. The law is still questioned as well as the femicides.

7. How is femicide represented in the Guatemalan media?

CONAMGUA Guatemala (Appendix B)

1.The predominant machismo in the rural area the lack of education and sexual security

2.Because of the high number of cases in the area

3.There is a very important growth since year by year there is more room for it and the population becomes better at reporting the abuse.

4. By giving accompaniment to the people affected and making them aware that reporting the problem is the deciding factor in combating it since it is impossible to act against the incidences with ignorance

5.There is a high percentage of indigenous women but they are not the only ones affected there is a high percentage of ladinas that do not report it and they are violated by this scourge.

6. the solutions to the problem are few since statistics exist, presentation of the problem but there is neither follow-up nor acompaniment a law is a dead law when it is only written and it does not bring the guidelines to give it life and make positive results.

7. It is only a tabloid note since it is seen as a feature that is forgotten with the next news, it is neither followed up on nor is it studied why, when and where it happened and if it will happen again, nor is there a study of why the forensic investigtion was inadequate because the traces are not looked at, there is no database of former perpetrators nor is evidence taken into account, if there is any in order to study further what happened.

I know that this has a cost both the process o investigattion as well as the mangement of evidence have high costs because of the high rate of violence we have in our country.

There are other scourges such as malnutrition, the lack of education, the lack of jobs, etc that result in the fact that it is necessary to take the matter into your own hands and the process of finding the truth stays in limbo.

I hope that with these answers I can help your investigation.

Sincerely,

Elizabeth de Del Vecchio

Grupo Guatemalteco de Mujeres (GGM) (Appendix C)

Hello, my name is Rebeca Lirrayes I work at the GGM. Here I will give you answers to your questions

1.We use the term femicide more than feminicide.

2.The reasons for the violent deaths of women are the same, because of the patriarchal system, for being women

3.Some cases have resulted in sentences

4.The problem is structural, social and changes little by little even though it is not how it is wanted, that is, apparently the violence against women has increased because when women find out there is a law that in favor of women, the number of reports have increased

5.From January to september 2015, 518 women have been violently assasined

6.There are no specific statistics that distinguishes between violent deaths of indigenous and mestiza women

7.The media cover the problematique

Grupo de Apoyo Mutuo (GAM) (Appendix D)

1.The causes of femicide in Guatemala are diverse, however , from our point of view we believe that a major cause is the conflict in the country and continues to be represented in the

historical problems of the nation. Land conflicts , defending

natural resources , unemployment , poverty and social inequality cause

that all citizens are victims of state violence and criminal violence.

However the most vulnerable groups in the country are those who remain

affected by violence . Indigenous women's sector is seriously affected

by violence at all levels lives Guatemala.

2. It is difficult to determine the various actors, we can give our opinion

on means of written communication, which are resources more

We use in our reports of violence.

It is truly sad how femicide is represented in the media

Written Submission of Guatemala. Currently, most newspapers

circulation are those that prioritize the red note, the note of violence

captures the most attention from readers Guatemalans.

Needless to say, this kind of newspapers stand to present

minute news stories, prioritizing explicit photos

violence.

So the picture we note that the representation we have of

femicide in Guatemala written media is developed based on

factors such as: 1) Describe the woman as an object, in response to explicit

the stories about the methods used to kill it; 2) Women

as the property of men attending family relationship or cohabiting

with a man; and 3) Treatment of note from a passive perspective

role of women in Guatemalan households.

3. We have now seen an increase in judicial decisions against

femicide crimes and other forms of violence against women. We can not

While recognizing progress in the judicial issue regarding judgments and

specialized courts in femicide, since this has allowed the

female population go with more confidence to the institutions responsible

to dispense justice.

However, it is necessary to continue working on the Sales Centers

Integral to women survivors of violence -CAIMUS-, since the

State institutions working on gender issues have been affected with

budget reductions, which requires reducing the amount of

people attending these centers.

Also you should work harder on preventative issue, not only in the

court. Currently there is a lack of information campaigns aimed

sensitize the male population on the scope and impact of

género.4 exercise any violence. How can you change the representation of the problem?

It is difficult to say, our society needs a lot of education

To understand this issue. All sectors of society need to be

educated in the subject, Guatemalan society is immersed in a wave

of violence that affects the level of dissemination of news. Each day increases more

the curiosity for the red note, photographs and more explicit violence videos.

The problem takes on another picture because the media

wider dissemination of such news do, are the prime and

while profits have and continue feeding those gains will be

very difficult to change the current representation of femicide in the media

Communication.

5. All Guatemalan women are affected , however with women

is a malice indigenous invisible that problem. The role of women

Indians in Guatemala has been historically linked to the administration

home, parenting and home care activities themselves .

The preference for the man reaches the point that children are the ones

access to education while girls should learn from an early age

manage your home .

For us the situation will not change until they have state efforts

It focused on educating girls and boys alike , that way there will be greater

Educated women empowerment opportunities that may be marking the

path to a more educated society about the great differences

mark the relations of men and women.

6. In general, the complicated picture of women in the country , yet as

society have failed to understand the great differences that mark the

life of a woman and a man . Guatemala is a country with a culture

male-dominated , so that unequal power relations

They are rooted in the whole population, but especially in rural areas

where it prevails major features of patriarchy.

They are still viewed with suspicion and even mocking tone struggles for

gender equality in the country , and that coupled with the ongoing violence becoming

increasingly difficult to obtain an awareness of all sectors of the country.

7. We think we address this in question 2.

Fundación Sobrevivientes (Appendix E)

In Guatemala femicide is defined in the Act on Femicide

and Other Forms of Violence against Women (Decree 22-2008). Law Product

a struggle to break down the wall of impunity surrounding these acts of

violence against women.

Obviously there was discussion about whether to use the term corresponded

feminicide or femicide. Each reflects a focus on the role of

State and the status of the victim (woman) and victimizer. This was settled

assuming that it was necessary to have a legal instrument, since the

implications of the adoption of the term femicide were uphill

consensus and approval of the law, which was much needed.

It is defined in the law, femicide occurs within a relationship

unequal power between men and women. So not every violent death

Women can be considered a femicide.

From the creation of this instrument conditions arise for law

the State assumes more properly clarify the violent death

of women. The change was not immediate, but no transformation in the

situation. We currently have an Office of Women in Ministry

Public, specialized courts Femicide and other forms of violence

against women, with protocols and regulations to meet victims

(Women and girls victims of violence). It has sensitized the

Public opinion as to combat violence against women. In this

Link will know more information about:

Still some way to go but we have come out of the cycle of impunity

were often violent deaths of women and that road is femicidios.Parte concerning the care that the state should give

violence against women belonging to any of the original peoples,

Maya, Garifuna and Xinca. The woman who owned one of these villages

faces a triple barrier, as a woman, for being a member of

some native people and the same poverty.

This is reflected in current data on violent deaths

Women variable ethnicity is not contemplated in the reports

published.

We have no information of ethnicity of women victims of death

violent.

In the judicial system assuming that it is necessary to make visible the variable

ethnicity. It provides for the existence of interpreters to interview victims,

disclose information in the native language of the complainant, in order, but

really it has not been adequately treated the issue of ethnicity

especially towards women.

Few studies and analysis on it. I could not venture any

hypotheses to explain this situation.

Currently the projection for 2015 from the National Institute of

Statistics on the population, based on the general census of 2002, is:

8,272,469 - women,

7903664 - men

Making a total of 16,176,133 inhabitants in the projection of INE for

2015

I notice that data are unreliable because they start from a census that has 13

years was made.

With these data, for 2015, we have developed a death rate

women associated with criminal acts under investigation by 100,000 inhabitants

women: 6.7

While for men it is 47 deaths under investigation by 100,000

male inhabitants.

Data of deaths associated with criminal acts in both research

Men and women come from the National Institute of Sciences

Coroners, granted that status (death under investigation) after making

necropsy of law to a body to determine cause of muerte.Sobre how Mayan women are affected in the issue of violence against

women and femicide, we share that data according to the same complaints,

by any act of violence against women, in the Public Ministry for the

2014 the departments of Solola and Totonicapan, with a strong presence

Mayan Indian population, are the least cases present (see graphic

at the end)

Which can be interpreted as a phenomenon where indigenous women

tends to naturalize violence against them, as something that is part of their

womanhood and their daily lives. In these communities

departments, with Mayan Indian presence, it says very little about the

violence against women but if another phenomenon like alcoholism in

the man. Location masking abuse, abuse and violence that

He victimizes man (usually) women from their environment.

It is noteworthy that in the graph shown between Solola and Totonicapán

Zacapa department located with a number of equally complaint

down violence against women. This department

historically it has been highlighted by a strong manifestation of conduct

sexist and misogynist.

Importantly, the torque data reporting data exists

judgments of courts serving some process

penalty for violence against women (physical, sexual, femicide, psychological,

economic) is the number of sentences low compared with the amount of

complaints compared to previous years but the trend is positive,

say progress has been made. Finally I share with graphical data associated deaths facts

criminal investigation in 2014 to have some reference.

Mujeres Tierra Viva (Appendix F)

1.The legal concept is femicide in Guatemala, and is understood as the violent death of a woman caused in the context of unequal power relations between men and women in the exercise of power against women gender.

To understand violence against indigenous women in Guatemala is necessary to go to the roots or root causes. Initially, during the internal armed conflict they were indigenous women spoils of war, where the body and sexuality of them was the way to take revenge on the enemies where you were enslaved, where many of them became pregnant and forced to carry to term pregnancies .

While the internal armed conflict ended "formally" with the signing of peace in 1996, the violence had a continuum, masquerading in other ways. Earlier that violence was not seen, reported, published or recorded. Many of them died, buried in clandestine graves and little by little have been locating, their bodies being delivered to family, to give them a Christian burial.

Women who survived, some have had to cope with the experienced, many have not yet talked about the past, some were able to speak, very few therapies or access to psychological services. And those who became pregnant as a result of rape, calving, assuming responsibilities of an unwanted pregnancy, often isolated by the same family or community, making her responsible for what happened and in the worst case scenario, assuming a maternity in a community where the offender was a neighbor, someone from the same village, hamlet or community.

Some sought to interrupt pregnancies in unsafe places, risking their health and their lives, many did not survive this process.

2. As Feminist Movement made a proposal Measure, based on the Convention Belem do Para, however, the Congress will cut 20 items, criminalizing violence against women and adopted the Law on the Prevention, Punishment and Eradication of Domestic Violence, whose primary objective was to reconcile the victim with the aggressor, in order to support the family.

The law giving women work safety measures, forcing women to live with their aggressors. Many of them returned to report recidivist aggressor again and you will not be punished. Women died with security measures in their bags, leaving their children orphaned.

The Movement's strategy was to sensitize women, supporting them or referring them to denounce, trying to organize to have political support to the authorities of the justice system. However, levels of impunity continued without stopping. Alongside this process, we worked with reporters and columnists to publish the fact that the victims were living. This forced the authorities to go searching and recognizing that violence against women was a crime, although happen in the private sector, it should be punished as a crime. And it was there, where a bill was supported to raise a Bill to criminalize all types of violence, raising the Law against Femicide.

3. To be put into effect this Act, the justice system had access to educational processes, which were realizing the definitions used and put into practice.

The Act is expected to not only the number of complaints raised but that cases had access to justice.

While civil society was in the law an instrument of human rights, it was not being implemented by the judges, having to do several exercises review of some cases where full awareness it was they were femicide, as they They claimed they saw no misogyny.

To amend this situation had to have a good time (dare I say years). Taking the State to find a way in which the law would work, was implemented and justice. They were so started to create specialized courts, where they began to give convictions for the crime of femicide.

Even with the opening of the courts, there are cases that have no access to justice. Unfortunately no such courts exist throughout the country and women do not have the resources to make this process as so onerous. Also, they do not speak Spanish, only their native language, making their demands are not fully understood.

One of the biggest weaknesses of the justice system is the lack of investment in research, making many cases do not end in convictions, but in acquittals.

For a year we had the opportunity to make an Observatory on Sexual violence and femicide, given that some judges rule decisions based on their religious beliefs in the Law against Femicide. For example, a case where a young woman was raped by several men, Resolution said that while it was determined that there was sexual violence, according to opinion of the National Institute of Forensic Sciences (Inacif), however, that she was not a virgin , so that the men who raped her were not going to jail.

As this case there are others who take away credibility in the system; where many people believe that judges are sold with offenders to dismiss evidence; where complaints are increasing every year, but the statements to the contrary are not expected.

So we have seen that every year femicide increase, which could be reduced if the system worked, if the law was put into practice, if repeat offenders were arrested and held accountable to the justice system, if society does not look like normal violence and have zero tolerance towards violation of the rights of women to have a decent life.

4. Making scientific research

Given political will to implement the Law

Recognizing that women are subjects of rights

Leaving assume that violence is normal and therefore tolerance is rejected

applying justice

5. In regions where we work Ballots Care not consider any section to ask women whether they are I, blurring their identity.

During one year by the Observatory (above) we told the Secretary of a Court we were happy Chorti indigenous women suffer violence and no answer was yes the living and greatly (considering they had not had access to education, they did not know the laws nor were empowered by their rights) which are more violated their rights ... when we said that no ballot it found that were indigenous and statistics were zero (0), deeply regretted omission ... omission by years of living invisibilizó violence and be part of femicide.

If during the internal armed conflict indigenous women lived atrocities ... now with a law like we have, the invisibility is official. Exacerbating the problem, which will not be resolved while racism and discrimination is part of the daily life of Guatemala.

6. Sexual violence, forced pregnancies , unsafe abortions , maternal deaths

silenced deaths

7. Those who are sensationalist say the woman was wearing Indian clothes , but not make other connotation. If any names is because the official statistics comes at a time to mention ( under pressure from the feminist movement, which has demanded statistics by gender, age , ethnicity, etc. ) .

Defonsoría de la Mujer Indígena (DEMI) (Appendix G)

The femicides in Guatemala are results of the existence of a machista society which considers women objects that may not decide over their own lives, their decisions etc. The femicides en Guatemala are the extreme of the violence against women in Guatemala In relation to indigenous women, take into account that they arestill making efforts to register correctly the indigenous women when they die. Many femicides are not reported and they stay anonymous or under a different category, for example as a death from natural causes. This is due to the naturalisation of the violence against indigenous women that exists in the family and in the community, the society as a whole tolerates it and is repeatedly an accomplice to these deaths in not recognising them as femicides or violent deaths exercised by a man.

Femicide in Guatemala along with other crimes should be considered a social and non-particular interest that emerged as an imperative necessity to legislate to the repeated deaths since no secific law existed for this crime, it became more visible and these crimes were seen without taking into account the hatred with which they were hurt to the point of physical elimination. This was a movement of women with non-state and state representation that came to fruition in establishing a specific law called Law Against Femicide and other forms of VAW. When it comes to actors we refer to the subjects that are involved in this crime which are: the family, the society, the organs of the Guatemalan state, etc. All involved parties see this as a simple form of violence, that is the mistreatment of women with the intention of impairing their integrity making them helpless and discriminating against them.

In Guatemala the LAF came into force on the 16th of May 2008 which is law that favours women and in which the state of Guatemala commits itself to reducing the numbers of femicides. This law created three types of penals: Femicide, VAW (physical, sexual and psychological) and the crime of economic violence. The biggest effect f this is the establishment of an active subject for this crime and with that the penal responsabilities for commiting the crime.

 I think that it is all women from the four co-existing peooples of Guatemala (Maya, Garífuna, Xinca and Ladina), however it is the indigenous women that lack the social conditions to deal with this crime that is naturalised in the lives of all. The outlook would change if a crime is considered cases of national and social interest (in practice) and we would all learn to be responsible for the security of all, in this case of indigenous women and their families. The DEMI works with the efects in an Area of Integral Attention that is made up by three units: 1. Social Unit. Which gives primary attention to all types of violence that is registered in our institution in order to canalise it to the right place. 2. Judicial Unit: gives accompanyment to users that are violence victims. For the cases of femicides we do not currently register them in our institution, because of the silnece it leaves in the family of the victim and the fear of reporting because of retribution and/or threats on behalf of the perpetrator. 3. Psychological Unit: gives psychological attention to children and family members of the victims in order to provide them with a agreeable social environment without violence. In the same vein, femicides are not registered here.

Indigenous women are affected because a lingustic and geographical gap has always existed and the state through its institutions has not facilitated the structures for them to not be affcted. Also because the law only indicates that femicide is committed for the violent death of a woman due to the context of the unequal power relationsbetween women and men, in the exercise of gender power against women. That is, that the woman is the passive subject against whom the crime is committed.

The naturalisation of the exercise of VAW, from the four peoples in Guatemala is the silenced aspect; furthermore the lack of interest in investing in the integral development of the indignous women. Also the lack of trust in the judicial instititutions.

The media in Guatemala and the covering of femicide against indigenous women. In Guatemala, the media give little coverage to the topic of indigenous people, especially to themes of violence against indigneous women. In the later years the numbers of femcides in Guatemala have increased due to internal and external factor in the Guatemalan society. It is certain that the media do the work of informing and cover various situations in the social context, but a lot of the media have a tendency to cover other themes (health, education, nutrition, security). When it comes to themes of femicide it is possible that this evokes from the general sphere and does not give priority to the indigenous theme. It is also wirth mentioning that there are many imitations for this coverage and information reaches the most isolated communities of Guatemala, first of all because the media do not allocate many ressources to cover and to have reporters where they generate the information, secondly because of the lack of willingness on behalf of vertain media to show the information while taking into account this is a theme of national interest. We can then conclude that the coverage is minimal when it comes to themes regarding indigenous women. The DEMI gives empowerment workshops about women´s right both for women and men in order to change the stereotypes that are passed on from one generation to the next. We have a Unity of Social Communication that is in charge of divulging the diverse problematiques women face. In relation to this we also have a Unity of Education in charge of education programmes with the Unity of Social Communication that have to do with empowering and spreading the word about women´s rights in order to try to make these rights known that indigenous women also have when it comes to violence.

Skype-Interview with Lily Muñoz, 26th of October, 2015 (Appendix H)

For many Guatemalans the term femicide arises with the 2008 law

Femicide or feminicide? Femicide use. Mexico Marcela Lagarde. Femicide was translated to femicide. It aroused much controversy. State impunity.

What are the main causes of the large number of femicides in Guatemala? One of the fundamental causes are pensamento, machismo as ideology dominates. It is not clear in other countries, much control of their bodies in their lives. No intimate, personal. The public sphere, private. More and more women go out to work, but there are a lot of male opposition to that. Sex discrimination at work, operates as a way to reduce the power of women. They consider women as competition. Women are seen as objects. Femicides pass away that. Violence in Guatemala has normalized.

You agree that femicide are crimes of State? The inability of the State to safeguard the lives of women? The State plays this problem, a lot of responsibility. Femicide is not a state crime. 98% of femicides go unpunished. Judges and judicial officers are not trained. There remains the dominant patriarchal thought, much sexism, triple discrimination.

What role does the past with the history of this conflict and violence? There are different interpretations. The non-intimate femicide in the public sphere, tortured. Members army did these crimes. Widespread sexual violence were against Mayan women. The main estragia hit the enemy was raping women has implications for women today, breaks families and communities, they remain subordinate to men, some live with their perpeadores yet. There is a historical connection. There have been different interpretations of the historical continuum. Various forms of violence against women. CALDH understand the continuum of violence conquest of the colony, has been repeated in other periods of history, in the defense of the land. There have been cases of violence against women, rape as a weapon of war.

As represented femicide in Guatemala? For the government, the media, by

They're not called femicides, homocidios, murders of women in the print media are comments such as clothing, a tattoo tendency to re-victimize the victim

How did this representation and how to change them? State structures are patriarchales. The law is not enough, contituan femicide. Educate judges, to understand its specificity. There is a hard wall. Education is important to train the next generation in gender equity. It is my hope. Discussing new femininity and masculinity, women need to build our autonomy, we are less violated. Alliances with other women. New masculinity beyond the hegemonic, is starting. Religion plays an important role. Guatemala is a religious country. They have helped naturalize patriarchal thinking. Men have to be the owners of the houses.

What role does women's organizations and indigenous women? The role of Organisations is very important. Violence against women is too much, there are few women 100s VAW approach with few resources, many women in need, women can not have psychologos aid lawyer. The State does not give many opportunities for women. Is insufficient worked they do. They are attending. There have been some efforts but not enough. Work trying raise awareness of violence.

There are no official figures on femicide in Guatemala . GGM try to systematize these statistics. Studies of femicide is very limited, they are based on statistics . Most people speak of femicide as something that happens to other people . Femicide occurs in all classes of society . Most of the victims are Ladino , no ethnic statistics . 17 municipalities , most of the capital are ladino.

Departamento de Estadísticas Socioeconómicas y Ambientales

Instituto Nacional de Estadística, Guatemala (Appendix I)

The causes of the occurrence of femicide , is an analysis as INE and not do, but it is considered that since the creation of the law against femicide and other forms of violence against women , Decree 22-2008 , has been achieved obtain statistical information of the violence directed at women. ( THIS QUESTION IS THE ANSWER MAY BE LARGER SEPREM)

So then data on complaints and sentences are detailed .

Femicide cases :

2011

Complaints Public Prosecutor

245

Judiciary sentences

fifteen

2012

Complaints Public Prosecutor

246

Judiciary sentences

18

2013

Complaints Public Prosecutor

300

Judiciary sentences

41

Disaggregated by people belonging unfortunately to date do not have it. Whether it is within the computer systems of the sources but not yet generated.

Under Decree 22-2008, all institutions are aware of the three crimes cases named in this law, they should be reported to INE, the information to generate indicators. In Guatemala the crime of violent deaths of women is typified as femicide (No Feminicidio) and is known by different actors in different ways:

to. PNC: Meet cases and classified as Violent Deaths

b. Public Prosecutor: Accept as femicide cases (cases under investigation still unproven)

c. National Institute of Forensic Sciences: Autopsies performed on women

d. Institute of Public Defense: Free legal assistance for cases being processed. (Supports the family of the victim in the legal aspect of a free form)

and. Popular law: they are named in the law but according to information that we have indicated, these cases are not known, but refer them to where they belong.

F. Judicial body: Femicides only when a case is sentenced can claim to be a femicide, so here you can only make visible femicide.

g. Directorate General of the Prison System: Its function is to keep prisoners including these crimes.

h. Presidential Secretariat for Women: it relates to this information because it is the entity in charge of this issue in Guatemala.

i. National Institute of Statistics is related to these data for its mandate to be the governing body of statistics in Guatemala and because Decree 22-2008, Article 20 states that you must create an information system to provide data sources of information.

There are other institutions named in the law (Decree 22-2008) as the Attorney General's Office, Interior Ministry and Office of Human Rights for its competence not know these cases (femicide).

This law brings benefits especially for women victims of such violence as it criminalizes violence against women ( physical, psychological and sexual violence ) , psychological violence , and femicide as crimes of public prosecution . ( THIS QUESTION IS THE ANSWER MAY BE LARGER SEPREM)

As indicated in the first point, disaggregated information by people of belonging, it is not registered in institutions that know such facts, but statistics show that the lowest complaint rates are the departments where most are concentrated of persons belonging to the Maya peoples:

Average rates department where the incident occurred for every 10,000 inhabitants. Period 2009-2013

Quiche = 23.9

Totonicapan = 27.4

Solola = 29.7

San Marcos = 34.6

Which means for example that there were 24 complaints in Quiché per 10,000 inhabitants

Unlike in departments where there are fewer indigenous people, the complaint rate was higher, for example:

Progress 97.8.

The above data are allegations of the three offenses under the Decree 22-2008 violence against women (physical, psychological and sexual violence), psychological violence, and femicide, reported by the prosecution.

Asociación de Mujeres Ixpiyakok (ADEMI) (Appendix J)

1. What are the causes of the large number of murders of women in Guatemala, particularly indigenous women?

due to lack of preventive information and have no legal support, extreme poverty does not have resources to defend themselves unable to pay their legal case.

2. How is represented by several actors femicide in Guatemala? How this representation emerge? Where it is visible?

for the population is escaloriante, a lot of insecurity, fear, fear of public services to the legal indifferent no budgetary resources to deal with cases, some are taken to process the most is to impunity.

3. What are the effects of the Law against Femicide 2008?

most indigenous women are unaware of this law, no informacilón in the Mayan language, most indigenous women are monolingual not speak Spanish, so unknown, only those professionals apply it at some point, but within the legal process there vurocracia not the process much wear them leave half the process, the legal assistance is also located in urban, women in the community tells them to do these procedures progresses.

4. How can you change the representation of the problem?

a system designed for the Mayan peoples in their languages, bilinguies judges to serve indigenous women in their language, good treatment without discrimination and racism, have offices or staff trained in rural communities.

5. Indigenous women are particularly affected? What? What are the effects of such representation for indigenous women?

the Indians are the most affected high rates of femicide.

6. What are the aspects of the subject silenced?

marital relationships, emotional, sexual agreciones, sexual harassment of young women and adolescents.

7. How is the topic represented by the media?

many lack the means arriving in urban not rural, plus the publicacilón fail in rural areas, so it is believed that there are no problems, are quiet and silent problems that is very intimate and personal.

Berta Cúmez

Unidad de Pueblos Indígenas e Interculturalidad (MSPAS) (Appendix L)

1. What are the causes of the large number of murders of women in Guatemala, particularly indigenous women?

By discrimination and racism that still exists in the Guatemalan context, take into account the prevailing macho culture that exist today, despite the awareness that has been given to all sectors. Regardless of social class, these determinants are important for the feminicdio is from.

2. How is represented by several actors femicide in Guatemala? How this representation emerge?

We believe that this can answer the Gender Unit of Health.

3. What are the effects of the Law against Femicide 2008?

It has been more sensitized the population to have a culture of respect, tolerance, humanity and above all to raise awareness to people who must eradicate all forms of violence against women. Through this court have taken stronger action on such crimes also that the population has become aware and we have not had the silence as a means of survival, they have become more complaints and have been applied more laws are I train have more people in the judiciary and this has allowed the creation of more specialized courts on this issue. In the health sector can be seen creating clinics violence against women to provide better care and to follow due process.

4. How can you change the representation of the problem?

Making better links with various organizations to sensitize more people, just as the promotion of the rights and specific laws for women, also the contribution they make to know which instances immediately helping these are cases such as MP, OJ, MOH, among other public entities as well as NGOs.

Sensitization to people with this type of case not blame in a given moment and the victim can take cases in a more equitable manner to the population violated such cases of femicide.

5. Indigenous women are particularly affected? Why?

No, in most cases there is no distinction of race, social class or, as many are victims of physical violence leading to the death of women.

6. What are the aspects of the subject silenced?

We believe that this can answer the Gender Unit of Health

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## Statistics



Please note that the numbers in the above table are not official, merely an estimate. No official data on femicides in Guatemala exist.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Country | Guatemala | Honduras | El Salvador | Nicaragua | Source |
| **Crime Data** |  |  |  |  |  |
| femicide rate per 100,000 females | 9.7 (2009) | 6.9 (2009) | 12 (2009) | n/a | small arms survey  |
| overall murder rate per 100,000 | 39.9 (2012) | 90.4 (2012) | 41.2 (2012) | 11.3 (2012) | UNODC |
| total murders  | 6,025 (2012) | 7,172 (2012) | 2,594 (2012) | 675 (2012) | UNODC |
| number of women murdered | 668 | 487 | 285 | 49 | UNODC |
| %of victims female | 11.1% (2012) | 6.8% (2012) | 11% (2012) | 7.4% (2012) | UNODC |
| incarceration rate per 100,000 | 105 (2014) | 160 (2014) | 424 (2014) | 153 (2014) | international centre for prison studies |
| rates of domestic violence % (2012) | 27.6 | n/a | 26.3 | 29.3 | WHO |
| **Economic Data** |  |  |  |  |  |
| % living under $4 a day (poverty line) | 62.4 | 56.4 | 34.8 | 52.2 | World Bank |
| gini coefficient | 52.4 | 57.4 | 41.8 | 40.5 | World Bank |
| GDP PPP (billion) | 113 | 33 | 45 | 24.39 | World Bank |
| GDP per capita (PPP) ($) | 7,297 | 4,593 | 7,764 | 4,643 | World Bank |
| HDI | 0.422 | 0.418 | 0.485 | 0.452 | UNDP |
| Unemployment rate (%) | 4.1 | 6.1 | 4.4 | 5.9 | World Bank |
| labour force participation, (adult females) % | 49 | 43 | 48 | 47 (2012) | World Bank |
| **State and society data**  |  |  |  |  |  |
| index of state weakness | 6.15 | 6.33 | 7.1 | 6.37 | Berkeley Institute |
| corruption perceptions index | 32 | 29 | 39 | 28 | Transparent International |
| global gender gap index | 0.682 | 0.694 | 0.686 | 0.789 | World Economic Forum |
| rule of law index | 0.44 | 0.42 | 0.51 | 0.43 | World Justice Project |
| press freedom index | 36.61 | 37.14 | 21.57 | 27.7 | Reporters Without Borders |
| ranking of women’s political representation  | 99 | 46 | 28 | 10 | Inter-Parliamentary Union |